

IN THE HIGH COURT OF SIERRA LEONE

HOLDEN AT FREETOWN

THE STATE

VS.

AHMED ISSA KAMARA ALLIAS JUSHUA

INDICTMENT NO: AG 2021/029

REPRESENTATION FOR THE STATE- M.P. SESAY

REPRESENTATION FOR THE ACCUSED- C. TAYLOR-YOUNGE

BEFORE THE HON. MR. JUSTICE ALHAJI MOMOH JAH STEVENS JA.

The Accused person is indicted by the State on Four Counts : Making Indecent material, Circulating indecent material, also circulating indecent material on different dates and possessing indecent material, all contrary to Section 18 of the Sexual Offences Act 2012.

The Accused pleaded not guilty to all four Counts.

The Prosecution made a successful application for the Accused person to be tried by a Judge alone instead of a Judge and jury in accordance with Section 144 of the Criminal Procedure Act 1965 as amended.

The Prosecution had three witnesses, the victim, the formal witness and the uncle to the victim. It is very clear from the case of the Prosecution that the phone that recorded the sexual activity between the Accused and the Victim is owned by the Accused. It is also clear from the case of the Prosecution that there was no consent between the victim and the Accused. This Honourable Court witness a video clip which shows two different version the first is

when the victim was sucking the penis of the Accused and the Second is when the Accused is having sex with the Victim. The Accused and the victim have been living in a domestic setting as boyfriend and girlfriend or in a courtship like relationship. It is very clear from the evidence of the PW3, the uncle of the victim, that this video has gone viral.

In the Defence case , the Accused does not have a Witness , but mainly relied on his denial Voluntary Statement he made to the Police.

It is very clear from the evidence led in the case of the Prosecution that the intention of the Accused is to degrade or belittle the Victim in the eyes of reasonable men so that she can be referred to as a prostitute and or even deprive her from having decent relationship. I am of the firm conviction that when a man is in a relation with a woman and, that relationship is over, all a man can do is to sever that relationship peacefully and quit. But to expose the woman to the world as prosecute is completely unwarranted and disdainful and hence contrary to Section 18 of the Sexual Offences Act 2012.

The evidence adduced in the case of the Prosecution is corroborated as was provided in the case of R v Lucas and is consistent with the spirit and letter of the case of Woolmington Vs DPP 1935 as the case of the Prosecution has satisfied the Standard of Proof which is Prove Beyond Reasonable Doubt.

The Defence of the Accused, I submit is self-serving meant to satisfy or suit the convenience of the Accused with no legal basis.

The Accused is therefore guilty on all Four Counts as the actions of the Accused are contrary to Section 18 of the Sexual offences Act 201 ALLCUSTUS:

The Accused pleaded for mercy.

Same plea for mercy made by the Lawyer for the Accused.

Sentence:

On Count 1:

The Accused is sentence to Five years imprisonment or pay a Government fine of Twenty Million Leones

On Count 2:

The Accused person is sentence to Five Years Imprisonment or pay a Government fine of Twenty Million Leones

On Count 3:

The Accused is sentence to Five Years Imprisonment or pay a Government Fine of Twenty Million Leones

On Count 4:

The Accused is sentence to Five Years imprisonment or pay a Government fine Twenty Million Leones

Court: in all the Accused is sentence to Twenty Years Imprisonment or pay a Government Fine of Eighty Million , the Sentence and Fines must run Concurrently.

Compensation:

The Accused to compensate the victim the sum of Twenty Million Leones.

Stevens JA.

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