

**Closing Address on behalf of 1<sup>st</sup> Accused**

**State v Alfred Palo Conteh**

Mr Foreman, members of the jury, we have been together in this Court since the 25<sup>th</sup> day of May, 2020. We have now reached the stage where you will soon retire to consider your verdict in this matter.

Truly, has it been said that once to every man (woman) and nation comes a moment to decide in the strife between truth and falsehood. This is your moment to decide between the truth and falsehood in this case.

The 1<sup>st</sup> Accused, Alfred Palo Conteh, stands charged on the indictment before you with three counts of treason, seven counts of offences against the Small Arms and Ammunition Act, 2012 and three counts of perjury contrary to the Perjury Act, 1911.

We say from the outset that the Third Count of treason charged in the indictment, was never committed to the High Court. The 1<sup>st</sup> Accused was charged with count 3 committing treason contrary to section 4(a) of the Treason and State Offences Act 1963. We say that Count was never committed by his Lordship on the section 136 application (CPA) that brought this case before you to this Court. For this I refer you to the Committal Order which is in evidence. As such, the 1<sup>st</sup> Accused ought not to have been tried on that count in this court. We therefore hope and trust that his Lordship will give the necessary directions on that Count at the appropriate time.

Mr Foreman, members of the jury, I need not remind you that in a criminal trial the accused bears no burden: the Prosecution charged him and brought him here and therefore, the law requires that they should prove his guilt beyond a reasonable doubt. That is to say, to make you feel sure of his guilt on the several charges on the indictment.

His Lordship, the trial judge, in his charge to you later will give you necessary directions on the law, the burden and standard of proof.

I can only paraphrase a statement that has rung through the criminal courts down the ages. “No matter the charge, no matter the place of trial, it is for the Prosecution to always prove beyond reasonable doubt the guilt of the accused. This burden never shifts. It rests squarely on the Prosecution throughout the trial” (per Lord Sankey i.e. in *Woolmington v DPP*).

In this case, Mr Alfred Palo Conteh testified on his own behalf regarding the charges against him and Sidie Yahya Tunis also testified on his behalf. He

was not bound to testify himself or to call any witness but he chose to testify and chose to call a witness.

The Prosecution's case hinges on a brown bag with a loaded weapon belonging to the 1<sup>st</sup> Accused which he had with him on the 19<sup>th</sup> day of March 2020 while on a visit to State House.

It is the circumstances surrounding the presence of that gun in State house on that fateful day, for which the 1<sup>st</sup> Accused is now being prosecuted on the charges of treason.

Mr Foreman, members of the jury, treason as an offence, perhaps ranks highest in the criminal calendar in this country. The word itself "treason" is not defined in our laws, but the Treason and State Offences Act 1963 defines circumstances in which a person or persons may commit the offence of treason.

Mr Foreman, members of the jury, let me hasten to add that to be found with a loaded gun in State House is most certainly not one of those circumstances.

"Treason", in our laws, is to overthrow the lawfully constituted government of this country by force or endeavour to do so by unlawful means.

Again, his lordship will at the appropriate stage explain the law of treason to you, but we say on behalf of the 1<sup>st</sup> Accused to you, members of the jury, treason as it is understood and prosecuted in this country has never been an undertaking or **endeavour or attempt by one person**. It has always been an endeavour or attempt or undertaking by several or a group of people;

In simple terms for you to convict the 1<sup>st</sup> Accused for the offence of treason as charged in the indictment, the Prosecution must have led evidence which show beyond a reasonable doubt that the 1<sup>st</sup> Accused prepared and endeavoured, to overthrow the government by unlawful means.

What the prosecution wants you to believe is that by merely renewing his gun license in March 2020 (as a law-abiding citizen) he was preparing to assassinate and overthrow the government. This proposition is simply ludicrous and untenable because it assumes that when Alfred Palo Conteh (the 1<sup>st</sup> accused) renewed his license on the 3<sup>rd</sup> of March 2020 he had foresight and for knowledge that he would be invited to State House for a meeting with the President on the **16<sup>th</sup> and 19<sup>th</sup> of March** respectively.

Going by the Prosecution own narrative, it would mean that when the 1<sup>st</sup> Accused obtained his gun license in 2017 which he renewed in March 2020, he was preparing to overthrow a government that was then not yet in being. Only 007 needs a license to kill and Palo Conteh is most certainly not 007.

The 1<sup>st</sup> Accused is a 63 year old veteran of the Republic of Sierra Leone Armed Forces from which he was retired with the rank of Major. As an experienced military man , he testified in the witness box that it would be complete suicide for one man with one gun and ten bullets to walk into State House to assassinate the President given the phalanx of security officers with various types of weapons ( AK 47, pistols etc ) at State House. It would be a suicide mission and he is not suicidal. You saw and heard him testify from the witness box. He was composed and he was dignified and he can be adjudged as a truthful witness.

Mr. Foreman, Members of the Jury, Remember, the meeting too which he was invited at State House on the 19<sup>th</sup> March was not just between the President and the 1<sup>st</sup> Accused; others were to attend. It would have taken more than a fool to attempt to harm the President in those Circumstances; As the 1<sup>ST</sup> ACCUSED HIMSELF SAID, IT WOULD HAVE BEEN A MISSION IMPOSSIBLE.

The 1<sup>st</sup> Accused stood up to the withering cross-examination by Mr Fisher for the Prosecution who attempted to establish motive on the part of the 1<sup>st</sup> Accused's. Mr Fisher, in our view, outlandishly and implausibly suggested that it was because of the overthrow of his uncle's government in 1992 that the 1<sup>st</sup> Accused had a motive to come after the President. My word, what a fertile imagination !

Members of the jury, we all know that on the 29<sup>th</sup> of April, 1992 Treason made its masterpiece for the first time in this country when a section of the army led by some junior officers overthrew the then lawfully constituted government; and from this Mr. Fisher suggested that the 1<sup>st</sup> Accused had a motive for now wanting to upset the government of President Bio.

This, the 1<sup>st</sup> Accused, vehemently denied and said that as a Christian he had no cause to want revenge and that he had moved on after some 28 years. In fact, he stated in the witness box that but for that experience he would not have risen to the rank of Minister of Defense and Minister of Internal Affairs in a later civilian government.

The 1<sup>st</sup> Accused most certainly was not an embittered man seeking revenge for what happened in 1992, some 28 years ago. He has had the privilege of serving his country at some of the highest height and has nothing left to prove at this point in his life. Ask yourselves members of the jury why would he embark on a suicide mission at his age, what did he stand to gain?

Members of the jury, it is in evidence that twice the 1<sup>st</sup> Accused visited State House on the invitation of the President in answer to his call for help in putting together a strategy and policy for combating the current Covid 19

pandemic. In short, there was no ill motive on the part of the 1<sup>st</sup> Accused in responding to the President's call for national service.

The suggestion of motive on the part of the Prosecution in the circumstances, is unworthy and baseless and without any merit.

Members of the jury, you saw and heard the 1<sup>st</sup> Accused give his evidence very lucidly and calmly. He did not appear as a suicidal maniac or embittered fanatic bent on revenge. But again, as the triers of the fact, we leave that to your judgment. The prosecution has failed to establish or prove any motive on the part of the 1<sup>st</sup> Accused.

Members of the jury, the 1<sup>st</sup> Accused no doubt garnered quite some experience in tackling endemic diseases. It was this experience that got him invited to State House on two occasions: first on the 16<sup>th</sup> of March, 2020 and then again on the 19<sup>th</sup> of March, 2020.

Before that, in 2017, he had applied for and lawfully obtained a license and registered a personal weapon for his own protection as a result of personal threats directed towards him stemming from his service as Minister of Defence and later as Minister of Internal Affairs. In the latter capacity he was able to restore some order to the flow of traffic in Freetown which was then menaced by the Okada riders. Then he turned his attention to the incipient gang warfare amongst some youths in the country, popularly known as cliques or 5 Os. This incurred the anger and malice of some people. The 1<sup>st</sup> Accused told you from the witness box that while he was the Minister of Defence and had the full complement of bodyguards, he had been physically attacked by ex-combatants. Hence, the need to acquire a gun for his own personal protection. This was not done for any malicious or evil intent.

After the elections in 2018, his personal protection details were re-called and he was left to fend for himself.

Mr Foreman, members of the jury, on the 16<sup>th</sup> day of March, 2020, the 1<sup>st</sup> Accused, Alfred Palo Conteh, responded to a call from the President to meet together with others at State House to help formulate, a programme of action and policy to combat the new scourge of covid-19, because of his experience with Ebola.

Mr. Foreman, members of the jury, you heard him say from the witness box when he attended the meeting on the 16<sup>th</sup> of March, 2020 he had his personal weapon in a leather brown bag, but as the meeting was in the afternoon and the car park at state house was empty and was not swarming with carwash boys, he took the precaution of putting the bag containing his weapon at the back of the driver's seat and then went up for the meeting with the President.

On the 19<sup>th</sup> of March, 2020 as a follow-up on the invitation to finalise the plan and brief the President, he was invited again to State House. But this time the meeting was slated for 9 a.m. He arrived at State House shortly before 9 a.m and the carwash boys at that time of the day, in the morning hours, swarmed towards him offering to wash his vehicle. As a precaution, he did not think it prudent to leave his brown bag with the weapon inside in his vehicle. So he went into State House with his brown bag which had his weapon inside it and he turned it over to the security.

You have now been afforded the opportunity to visit State House particularly the reception and on the ground floor and its surrounding areas to get a real feel of what might have happened. Mr Palo Conteh demonstrated what he did on that fateful day and it is clear from his demonstration that he never walked towards the steps let alone attempted to go upstairs and this ties in with the testimony of Dauda Yemie PW4 who under cross examination said that the 1<sup>st</sup> Accused walked towards the security desk towards them and handed over his bag saying “keep this bag for me I have my personal weapon inside and I have a meeting with the President upstairs and do not want to take it with me.” This is also consistent with the Written Statement of PW2 Vackey who in page 2/3 of his statement marked as EX. K <sup>1-4</sup> stated that he was focused on the scanner observing the images on the screen of the computer. He stated “Mr Palo Conteh was the last person at the reception standing in front of the desk carrying a hand bag in his hand talking with the two other Police Officers, Sgt Kposowa and Staff Dauda and I don’t know what they were discussing. I later discovered that the said Mr Palo Conteh failed to scan the very handbag that he was carrying”.

Even from their own witnesses there is conflicting testimony as to what Palo Conteh did when he entered State House. But Members of the jury it is indisputable that he never even attempted to go to the meeting with the President upstairs with his bag. How could he have with the phalanx of security at State House?

At the locus visit and in the witness box he clarified that he did not put his bag through the scanner because he would have set off the alarms and they would claim they “intercepted” him with a gun and that was exactly what he wanted to avoid. In fact, when the 1<sup>st</sup> Accused was questioned by Mr. Fisher (the lead prosecutors as he was introduced by the DPP) at the locus, as to why he did not take his bag to the meeting with the President when he was told to by security, he reiterated that because he was meeting with the President he could not take his bag with his personal weapon. From that locus members of the jury you could see that the security desk was the first opportunity for the 1<sup>st</sup> Accused to hand over his bag containing his weapon since the gate

security from your own visit to the locus was concerned mostly with scanning the vehicle.

Members of the Jury Col. Kposowa testified that at the gate of State House are notices prohibiting unauthorized weapons from State House but Alfred Palo Conteh in his testimony stated unequivocally that no signs were present on his previous visits on the 16<sup>th</sup> and 19<sup>th</sup> of March 2020 and he reiterated that he was a neighbour to State House whilst serving as Minister and Deputy Minister of Defence and no sign was present.

You were present when the Registrar of this Court testified and tendered into evidence what is marked as Exhibit HH<sup>1-3</sup> which purports to be the report of the LOCUS IN QUO AT THE RECEPTION AREA OF STATE HOUSE.

Ironically, the report starts by describing the vehicular entrance and says

“At the vehicular entrance are two signs one indicating the search to be conducted and the other stating the prohibition of weapons beyond that point inclusive of an illustration of knife and pistol within a prohibited circle”.

Members of the Jury with the exception of the demonstration of the 1<sup>st</sup> Accused, the questions asked by counsel and answers given by the 1<sup>st</sup> Accused, the remainder of the report are the impressions of the Registrar and they are of no moment and ought to be disregarded by your good selves .

When asked on Cross Examination about the age of the signage at the vehicular entrance, he clearly stated that he did not know because it was his very first visit to State House.

You are men and women of the world and you could not have missed the newness of the signs at State House. We submit that the signs were placed after the start of this trial. Just like the extra security which all of you had to go through, with the handheld wand metal detector after passing through the entrance scanner and metal detector. The 1<sup>st</sup> Accused made clear that on that fateful day that handheld wand was not present and was corroborated by the testimony of Vackey, Yemie, Gaima, Kposowa who never mentioned the hand held wand. Like the handheld wand, the signs were not present at the gate on the dates charged in the indictment.

Ladies and Gentlemen of the Jury, you still have not benefitted from the only other real evidence of what happened on the 19<sup>th</sup> March 2020, the CCTV footage. Col Kposowa testified in the witness box that CCTV camera coverage was available at the front desk area but at the locus visit when counsel for the 1<sup>st</sup> Accused pointed out the camera and asked whether that was the CCTV camera, he refused to confirm stating that for security reasons he could not confirm. We say that the CCTV exists and would beyond any reasonable doubt

prove what happened that day and they (the State) have refused to produce it and you the jury can make what you will of that fact.

What is indisputable, Mr Foreman, members of the jury, is that the 1<sup>st</sup> Accused on entering with his handbag with the gun headed straight for the security desk and handed it over, informing the personnel at State House that his bag contained his personal weapon and they should keep it until he returned from the meeting upstairs. He then proceeded upstairs to the meeting.

While he was still in the waiting room with other attendees for the meeting, Lt Col. Kposowa, Chief Security officer at State House, with some CID personnel came into the room and approached the 1<sup>st</sup> Accused and inquired about the ownership of the brown bag. The 1<sup>st</sup> Accused answered in the affirmative that the brown bag was his. Sidie Yayha Tunis the witness for the 1<sup>st</sup> Accused who was sitting with him in the waiting area confirmed this fact in the witness box and testified that the 1<sup>st</sup> Accused told Kposowa that he had given his bag to security had informed them that it had his personal weapon in it. The witness also testified that the 1<sup>st</sup> Accused mentioned that the he had been given clearance to take the bag upstairs and he insisted that because it had his personal weapon in it he was leaving it with the for safe keeping.

Lt Col Kposowa, Sidie Yahya Tunis and the 1<sup>st</sup> Accused all confirmed that the when the 1<sup>st</sup> Accused was confronted by Kposowa, he unzipped a section of the brown bag and took out his licence for the weapon and showed it to the security personnel. Sidie Yahya Tunis then testified that Lt Col. Kposowa handed the said weapon to one of the security personnel with him who took out the magazine and counted 10 live bullets in the magazine. The 1<sup>st</sup> Accused was then separated from the others and was quizzed at some length by the CID personnel. After the interview he was then allowed to go home.

Later that same day, on the 19<sup>th</sup> day of March, 2020 in fact, the 1<sup>st</sup> Accused was invited by M.K Alieu to go to CID to collect his brown bag with his gun but upon his arrival at CID he was told to wait till the next day and from then, onwards, the plot begins to thicken.

Mr Foreman, members of the jury you heard Sidie Yayha Tunis testify that he called the 1<sup>st</sup> Accused after he left State House that afternoon to update him about some of the challenges and the 1<sup>st</sup> Accused responded to him that when he spoke to President Bio later that day he would insist that if they did not directly report to him (President Bio) as they had for Ebola he would ask to step aside since he did not want to let his President or his nation down. Members of the jury are these the words of a guilty man who went to state house to “assassinate his President”?

Mr Foreman, members of the jury, the prosecution's evidence on the charges of treason is so tenuous as to be non-existent. There is no evidence at all from any of the prosecution witnesses that the 1<sup>st</sup> Accused was caught or apprehended with any loaded gun at state house as alleged or at all.

Mr Foreman, members of the jury, the uncontroverted evidence is that the 1<sup>st</sup> Accused himself personally handed over his brown bag containing his weapon to the personnel at the security desk on the ground floor at State House for "safekeeping", and at the same time informed them that the bag contained his personal weapon.

Mr Foreman, members of the jury, is this the conduct of a man bent on treason, as alleged by the prosecution? Is this the conduct of a man who went to State House with a loaded gun to "assassinate the President"?

Surely, nothing could be further from the truth.

Mr Foreman, members of the jury, in fact, it was the Prosecution's own witness, Lieutenant Col. Kposowa, chief security officer at State House who took the brown bag with the gun up to the waiting room where the 1<sup>st</sup> Accused was waiting with others for the meeting with the President. The 1<sup>st</sup> Accused, on the evidence, readily admitted ownership of the brown bag when Lt Col. Kposowa asked about it and said he left it downstairs with security as it contained his personal weapon.

Mr Foreman, members of the jury, is this the conduct of a man bent on committing treason, as alleged by the prosecution?

Mr Foreman, members of the jury, in his own evidence before this court, the 1<sup>st</sup> Accused explained the circumstances as to how his brown bag containing his personal weapon came to be inside state house on the 19<sup>th</sup> day of March, 2020: he voluntarily left it at the security desk on the ground floor at the reception area. He never advanced upstairs with his brown bag containing his gun. He was never tackled, intercepted and the brown bag with the weapon wrested from him. Rather, on the evidence, it was Lt. Col. Kposowa who took the gun upstairs, if you will, in the vicinity of the President, and not the 1<sup>st</sup> Accused.

Mr Foreman, members of the jury, there has not been led by the Prosecution any evidence at all of animosity, malice or ill will on the part of the 1<sup>st</sup> Accused against the President.

Mr Foreman, members of the jury, rather, the evidence is that Mr Alfred Palo Conteh, the 1<sup>st</sup> Accused harkened to calls from the President to share his experience with Ebola in formulating a strategy and policy for covid-19.



Mr Foreman, members of the jury, for his pains for responding to the call to national service charges of treason were heaped on his head.

Mr Foreman, members of the jury, you watched the 1<sup>st</sup> accused, broke down in the witness box when I was leading him in evidence in chief and when I inquired why he said he was distraught that his desire to help resulted in him being charged with treason.

Mr Foreman, members of the jury, there is some evidence from Prosecution witnesses, Vackie, Kposwa and Yeami, regarding the so-called refusal by the 1<sup>st</sup> Accused to scan his brown bag when he entered State House on the 19<sup>th</sup> of March, 2020. That may or may not be an infraction of security rules but those are not the charges that have been made against the 1<sup>st</sup> Accused.

Mr Foreman, member of the jury, the evidence indisputably shows that the 1<sup>st</sup> Accused Mr Alfred Palo Conteh never ever proceeded beyond the reception area with his brown bag containing his personal weapon.

I ask you, members of the jury, how on earth could this be treason, to quote the prosecution to “assassinate the President”? I leave it to your own good judgment.

Mr Foreman, members of the jury, from the 19<sup>th</sup> of March, 2020 to the 29<sup>th</sup> of March, 2020, the 1<sup>st</sup> Accused was interviewed five times by the police and he made five statements. These are all in evidence before you.

In none of the interviews with the 1<sup>st</sup> Accused was it made clear to him that he was being investigated for treason. It is clear from his statements given to the police that the investigation of him by the police was in relation to the small arms and ammunition offences.

Mr foreman, members of the jury, how the 1<sup>st</sup> Accused came to be charged with treason on the 29<sup>th</sup> of March, 2020 is only explained as admitted by Mr M.K Allieu in evidence on cross examination that it was as a result of advice from the law officers department.

### **On the Small Arms and Ammunition Charges**

Again, Mr Foreman, members of the jury, on the small arms and ammunition offences, the 1<sup>st</sup> accused certainly has no burden to prove his innocence. No evidence has been laid before you of the several offences charged under the Arms and Ammunition Act and the Regulations.

At the material time in question charged in the indictment, the Prosecution would like you to believe that the 1<sup>st</sup> Accused was a lawless citizen and that is far from the truth and far from what the evidence portrays. The evidence before you is that the 1<sup>st</sup> Accused in 2017 while he was Minister of Defence

registered and obtained a license for his pistol and has renewed that license since that time to the present. Exhibits T, Y and Z all show that the 1<sup>st</sup> Accused possessed valid firearms license for his guns.

Mr Foreman, members of the jury, it is clear from the Prosecutions own witnesses that when the 1<sup>st</sup> Accused handed over his bag containing his personal weapon at State House on 19<sup>th</sup> March 2020, he had a license for the aforesaid gun which was in the bag. MK Allieu PW1 testified in the witness box that in the brown bag was a current license for the Glock 17 which was marked as Ex. T. He testified that he wrote the Small Arms Commission (“SAC”) and requested that the Glock 21 which was tendered and marked as Ex P and which was in the possession of the SAC ( since the 1<sup>st</sup> accused had surrendered it to them in exchange for the renewal of licence and registration of the Glock 17), be handed over to the CID by the SAC.

Mr Foreman, Members of the jury with regards to Count 7, the Court will give you instructions but the long and short of it is that the Prosecution purported to charge the 1<sup>st</sup> Accused with the offence of possession of small arms without stating the section of the statute that creates the offence and by failing to do so that was a fatal error and that charge must be discharged and our client acquitted.

Mr. Foreman, Members of the Jury **with regards to the importation** of small arms, we respectfully submit that this should be dismissed out of hand because on the totality of the evidence for the prosecution there is not an iota of evidence that the 1<sup>st</sup> Accused imported any small arms into the country. The only evidence that is before you is that the nephew of the 1<sup>st</sup> Accused a military officer in the US shipped the Glock 21 pistol into Sierra Leone and a old friend of the 1<sup>st</sup> Accused shipped the Glock 17 into Sierra Leone. From the evidence before you the 1<sup>st</sup> Accused did not import any weapons.

Mr. Foreman, Members of the jury, there is no evidence that was led by the Prosecution that the 1<sup>st</sup> Accused concealed a loaded Glock 17 as laid in Count 9. The 1<sup>st</sup> Accused was obliged to register the gun which is different from concealment. Concealment is non-disclosure of a fact that is his duty to disclose. The evidence before you is that in fact at State House on that fateful day, the 1<sup>st</sup> Accused disclose that he had his personal weapon he did not conceal the weapon.

Mr Foreman, Members of the jury, the 1<sup>st</sup> accused was also charged with keeping a greater number of small arms and owning a greater number in the same Count 10 which are two separate and distinct offences. The alternative use of two different offences “keeping” and “owning” confuses the 1<sup>st</sup> Accused as to which offence to plead to or defend. Moreover through-out the Prosecution’s case, no evidence was led as to the legal “required” number of arms and ammunitions to be kept by a licensee nor the amount of arms and

ammunition kept by the 1<sup>st</sup> Accused greater than the number specified in the license. In other words, no evidence of a violation or breach of a statute was led to sustain a charge under that count.

Mr Foreman, members of the jury Lt Col Kposwa testified that the magazine was attached and loaded but the weapon was not ready. Mr Palo Conteh testified that the magazine was in the gun but was not locked in place because that is how he keeps his gun. As such while the magazine was perched it was not fully loaded into the gun and there was no bullet in the chamber of the gun. Lt Kposowa PW 7 and Nathaniel Williams PW 3 both corroborate the Defence's theory that the magazine was loaded with 10 live rounds but the chamber of the weapon was empty and the gun was not ready.

Mr Foreman the Prosecution also failed to lead evidence of what is a "public place" which is an essential element of the regulation "having a loaded weapon in a public place". Proof of a public place is a material fact essential to sustain the charge and the burden of proof rests solely on the prosecution.

Mr Foreman, members of the jury, no evidence was laid before you from the Small Arms Bureau - the agency mandated to do so - that between the 1<sup>st</sup> day of January, 2017 and the 3<sup>rd</sup> day of March, 2020 the 1<sup>st</sup> Accused did not have a licence.

Mr Foreman, members of the jury, on the possession of firearm without valid licence as laid in the indictment the prosecution has led no evidence from the small arms bureau which would be conclusive on whether the 1<sup>st</sup> Accused had a valid licence for the period laid in the indictment.

Mr Foreman, members of the jury Exhibit DD 1-4 dated the 20<sup>th</sup> March 2020 and the testimony of both MK Allieu PW1 and Haja Fatmata Deen Kamara PW 10 made clear that no one has been prosecuted for the unlawful possession of any weapon due to the Moratorium which sought and seeks to encourage people to come forward and surrender and register guns that are unlawfully in their possession. Why then is the Prosecution seeking to do so in this instance? Why ignore the Moratorium when the 1<sup>st</sup> Accused was in the process of registering the aforesaid weapon? As trier of the fact, make what you will of this.

Mr Foreman, members of the jury, the 1<sup>st</sup> Accused should be discharged and acquitted on all of these charges based on the insufficiency or lack of probative value of the Prosecution's evidence. The exhibits presented run contrary to the Prosecution's case. Alfred Palo Conteh had valid firearms licenses for all of his guns and we urge you to acquit and discharge him on all of these charges.

## **The Perjury Charges**

Mr Foreman, members of the jury, on the perjury charges, there is no evidence that any oath was administered to the 1<sup>st</sup> Accused in filling and completing the application form for the registration and/or renewal of the licence. In fact, there is no place on the application form for any oath or affirmation. The form has an acknowledgment but an acknowledgement is not an oath or affirmation as required by the Perjury act.

Mr Foreman, members of the jury, completing an application form under the procedures of the small arms registration and licensing is, of course, a non-judicial proceeding, but we say, on behalf of the 1<sup>st</sup> Accused, he took no oath nor affirmed in the process.

Mr Foreman, members of the jury, the prosecution has laid no evidence to show that he lied on the application or the renewal forms.

Mr Foreman and Members of the jury, In his testimony during cross examination by the Prosecution ,the 1<sup>st</sup> Accused did say that at the time he went to the Smalls Arms Commission to renew his license for 2020 he was taken through a gun safety routine demonstration by the Armourer for the Small Arms Commission so he it was not a lie when the form indicated that he had gone through a firearm safety course in the last 12 months.

Furthermore, it was established through the Prosecutions own witnesses, Issa Sesay PW 8 and Bockarie Noah PW9 that the 1<sup>st</sup> Accused had no pending charges from either the Sierra Leone Police or the ACC as the prosecution insinuated. In point of fact, there was no evidence brought before this Court to establish that the 1<sup>st</sup> Accused has ever been convicted of any crime whatsoever in Sierra Leone or abroad. As such he did not perjure himself.

To found a conviction for Perjury, you need more than the testimony of one witness. The allegation of perjury of one witness must be corroborated by the testimony of 2 or more witnesses (as is required by section 13 of the Perjury Act). That was not the case in this instance. No witness and no corroboration so no perjury

Mr Foreman, members of the jury, we urge and pray that in this trial you will reject the prosecution's case of treason against the 1<sup>st</sup> Accused for a woeful lack of evidence and on the offences under the small arms ammunition acts, for lack of any supporting evidence, a burden which the prosecution carries. We accordingly invite you and urge you to return a verdict of **not guilty** of treason, not guilty of small arms offense and not guilty of perjury.

May I conclude by borrowing the words of Macbeth when he was informed of his wife's death in Act 5 Scence 5;

*“ She should have died hereafter; There would have been a time for such a word.*

*Tomorrow, and tomorrow and tomorrow Creeps in this petty pace from day to day To the last syllable of recorded time; And all our yesterday’s have lighted fools The way to dusty death. Out, out, brief candle!*

*Life’s but a walking shadow, a poor player That struts and frets his hour upon the stage And then is heard no more. It is a tale Told by an idiot, full of sound and fury, Signifying nothing.”*

And we say the Prosecution’s case before you members of the jury is full of sound and fury, not even supported by the evidence and we invite and urge you to Dismiss It and Find Major (RTD) Alfred Palo Conteh Not GUILTY ON All THE COUNTS charged in the indictment against him.