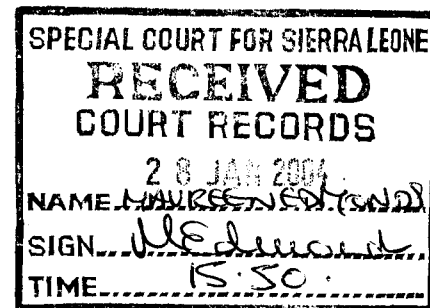


087

SCSL-2003-06-PT
(1784-1802)

1784

**THE SPECIAL COURT FOR SIERRA LEONE
FREETOWN – SIERRA LEONE**



Before: Trial Chamber of the Special Court for Sierra Leone
OR the Designated Judge

Registrar: Robin Vincent

Date Filed: 28th January, 2004

BETWEEN:

TAMBA ALEX BRIMA - APPLICANT
DETAINEE AT THE SPECIAL COURT

AND

SYLVAIN ROY - 1ST RESPONDENT
ACTING PRINCIPAL DEFENDER
SPECIAL COURT FOR SIERRA LEONE

AND

THE REGISTRAR OF THE SPECIAL COURT
FOR SIERRA LEONE – MR. ROBIN VINCENT - 2ND RESPONDENT

AND

MR. ROBERT KIRKWOOD - 3RD RESPONDENT
THE DEPUTY REGISTRAR OF THE
SPECIAL COURT FOR SIERRA LEONE

APPLICANT'S MOTION AGAINST DENIAL BY THE ACTING PRINCIPAL DEFENDER TO ENTER A LEGAL SERVICE CONTRACT FOR THE ASSIGNMENT OF COUNSEL FOR AND ON BEHALF OF THE ACCUSED TAMBA ALEX BRIMA THE APPLICANT HEREIN PURSUANT TO RULE 72(B) (IV) OF THE RULES OF THE SPECIAL COURT FOR SIERRA LEONE AND PURSUANT TO ARTICLE 12(A) – OF THE DIRECTIVE ON THE ASSIGNMENT OF COUNSEL OF THE SPECIAL COURT FOR SIERRA LEONE, AND UNDER THE INHERENT JURISDICTION OF THE TRIAL CHAMBER OF THE SPECIAL COURT FOR SIERRA LEONE.

FURTHER ADDITIONAL AFFIDAVIT

I, TAMBA ALEX BRIMA presently detained at the Special Court Detention Centre at Jomo Kenyatta Road, New England Freetown in the Western Area of the Republic of Sierra Leone Retired Military Officer make oath and say as follows:-

1. That I am the Applicant herein in the above criminal proceedings instituted against my person.
2. That I swore to an affidavit on the 18th day of December 2003 at 9:55 o'clock in the forenoon as well as a Supplemental affidavit on the 30th day of December 2003 at 12:35 o'clock in the afternoon respectively in the above matter.
3. That I am informed by my Counsel Terence Michael Terry and I verily believe that on the 20th day of January 2004 he wrote a letter addressed to the Registrar of the Special Court for Sierra Leone – a photocopy of which said letter is exhibited hereto by me and marked Exhibit “TAB 1”.
4. That I am shown a letter dated 23rd January, 2004 written by the Acting Principal Defender Sylvain Roy addressed to my Solicitor and Counsel Terence Terry – a photocopy of which said letter is exhibited hereto by me and marked Exhibit “TAB 2”.
5. That I am also shown a letter dated 23rd January 2004 written by my Solicitor and Counsel Terence Michael Terry addressed to the Acting Principal Defender Sylvain Roy – a photocopy of which said letter is exhibited hereto by me and marked Exhibit “TAB 3”.
6. That I am further shown a letter dated 23rd January, 2004 written by my Solicitor and Counsel Terence Michael Terry addressed to the Registrar of the Special Court for Sierra Leone – a photocopy of which said letter is exhibited hereto by me and marked Exhibit “TAB 4”.
7. That I am further shown a letter dated 26th January 2004 written by my Solicitor and Counsel Terence Michael Terry addressed to the Registrar of the Special Court for Sierra Leone – a photocopy of which is letter is exhibited hereto by me and marked Exhibit “TAB 5”.

1786

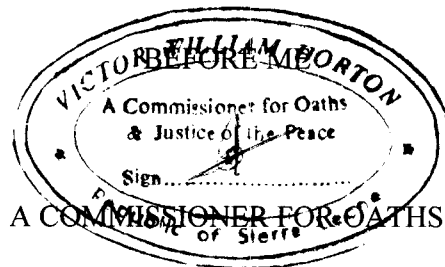
- 8. That I swear to this Further Additional affidavit in support of all the Orders prayed for in support of this application by way of Motion dated the 18th day of December 2003.
- 9. That the contents of this affidavit are true to the best of my knowledge, information and belief.

This affidavit was read over and explained to the Deponent herein Tamba Alex Brima in the Creole language by a witness interpreter Martin Seton and he seemed perfectly to understand its contents before affixing his right thumbprint to same.

SWORN TO AT THE SPECIAL COURT
 DETENTION CENTRE AT JOMO KENYATTA
 ROAD, NEW ENGLAND, FREETOWN
 ON THE 27th DAY OF January 2004
 AT 4:35 O'CLOCK IN THE After NOON



DEPONENT
 TAMBA ALEX BRIMA



THIS AFFIDAVIT IS FILED BY TERENCE MICHAEL TERRY OF 4TH FLOOR, MARONG HOUSE, 11 CHARLOTTE STREET, FREETOWN SOLICITOR AND COUNSEL FOR AND ON BEHALF OF THE APPLICANT HEREIN.

THE SPECIAL COURT FOR SIERRA LEONE
FREETOWN – SIERRA LEONE

BETWEEN:

TAMBA ALEX BRIMA - APPLICANT
DETAINEE AT THE SPECIAL COURT

AND

SYLVAIN ROY - 1ST RESPONDENT
ACTING PRINCIPAL DEFENDER
SPECIAL COURT FOR SIERRA LEONE

AND

THE REGISTRAR OF THE SPECIAL COURT
FOR SIERRA LEONE – MR. ROBIN VINCENT - 2ND RESPONDENT

AND

MR. ROBERT KIRKWOOD
THE DEPUTY REGISTRAR OF THE
SPECIAL COURT FOR SIERRA LEONE - 3RD RESPONDENT

APPLICANT’S MOTION AGAINST DENIAL BY THE ACTING PRINCIPAL DEFENDER TO ENTER A LEGAL SERVICE CONTRACT FOR THE ASSIGNMENT OF COUNSEL FOR AND ON BEHALF OF THE ACCUSED TAMBA ALEX BRIMA THE APPLICANT HEREIN PURSUANT TO RULE 72(B) (IV) OF THE RULES OF THE SPECIAL COURT FOR SIERRA LEONE AND PURSUANT TO ARTICLE 12(A) – OF THE DIRECTIVE ON THE ASSIGNMENT OF COUNSEL OF THE SPECIAL COURT FOR SIERRA LEONE, AND UNDER THE INHERENT JURISDICTION OF THE TRIAL CHAMBER OF THE SPECIAL COURT FOR SIERRA LEONE.

This is a photocopy of the letter dated 20th January 2004 referred to in paragraph (3) of the affidavit of Tamba Alex Brima sworn to at Freetown on the 27th day of JANUARY 2004 and marked Exhibit “T A B 1”.

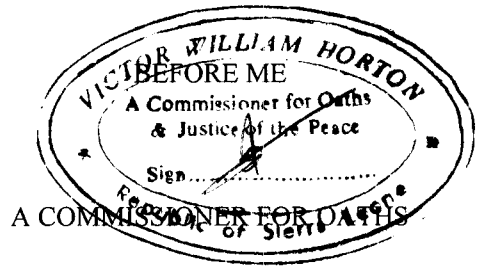


EXHIBIT TAB 1^b 1788

TERENCE TERRY

**Barrister-at-Law & Solicitor
Marong House, 4th Floor
11 Charlotte Street
Freetown, Sierra Leone
Email: theodora@sierratel.sl**

20th January 2004

The Registrar
Special Court for Sierra Leone
Jomo Kenyatta Road, New England
Freetown

Dear Sir,

RE: **LEGAL SERVICE CONTRACT – PROSECUTOR VS. ALEX TAMBA
BRIMA (aka) TAMBA ALEX BRIMA (aka) GULLIT**

I refer to our meeting of last Friday the 16th of January, 2004 in your office during which time your Personal Assistant and my Managing Clerk were also present.

I do recall during the said meeting mentioning to you that I had already forwarded my bill to you for professional services rendered by me on behalf of my client Tamba Alex Brima from April 2003 till date. You then assured me that the necessary steps would be embarked upon by you which would lead to payment being effected to me during the course of this week, eventhough you did say that the advanced payment would be subject to negotiations out of the US\$64,490 representing my bill for professional services rendered by me on behalf of Tamba Alex Brima. I can only hope that the final negotiated figure will not be less than \$40,000 as for now.

I also do recall you mentioning to me in the presence of your Personal Assistant and my Managing Clerk that at one time the gossip floating around the Defence office of the Special Court was that I was suffering from cancer. In response I emphasised in

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1789

no uncertain terms to you that such gossip was unfounded and baseless to say the least. I also did emphatically say to you at the said meeting that although I was experiencing some medical problems in the past which necessitated travelling to Europe to undergo medical check-up, my health as of now has considerably improved and good as can be expected of a man of close to 60 years of age. You did tell me that you were prepared to take my word on the issue of my health and as far as you are concerned the issue of my health was no longer a concern of yours and that aspect of the matter I should consider closed. You also mentioned to me and rightly so that the issue of whether OR not the Acting Principal Defender is the proper person to enter into a Legal Service Agreement with me will be dealt with by the Trial Chamber of the Special Court for Sierra Leone and that since the matter is presently sub judice we ought properly to await the outcome of the Motion filed by me on behalf of my client before the said Trial Chamber.

It will therefore be deeply appreciated if you would be gracious enough to take the necessary administrative steps which would culminate in the payment of the advanced fees to me hopefully by latest Friday of this week the 23rd of January, 2004.

In the circumstances I trust that in your wisdom you will do what is just and reasonable in all the circumstances of the case.

I remain,

Yours truly,



Terence M. Terry

Cc: Tamba Alex Brima.

EXHIBIT 'TAB 2'

1790

**THE SPECIAL COURT FOR SIERRA LEONE
FREETOWN – SIERRA LEONE**

BETWEEN:

TAMBA ALEX BRIMA - APPLICANT
DETAINEE AT THE SPECIAL COURT

AND

SYLVAIN ROY - 1ST RESPONDENT
ACTING PRINCIPAL DEFENDER
SPECIAL COURT FOR SIERRA LEONE

AND

THE REGISTRAR OF THE SPECIAL COURT
FOR SIERRA LEONE – MR. ROBIN VINCENT - 2ND RESPONDENT

AND

MR. ROBERT KIRKWOOD
THE DEPUTY REGISTRAR OF THE
SPECIAL COURT FOR SIERRA LEONE - 3RD RESPONDENT

APPLICANT'S MOTION AGAINST DENIAL BY THE ACTING PRINCIPAL DEFENDER TO ENTER A LEGAL SERVICE CONTRACT FOR THE ASSIGNMENT OF COUNSEL FOR AND ON BEHALF OF THE ACCUSED TAMBA ALEX BRIMA THE APPLICANT HEREIN PURSUANT TO RULE 72(B) (IV) OF THE RULES OF THE SPECIAL COURT FOR SIERRA LEONE AND PURSUANT TO ARTICLE 12(A) – OF THE DIRECTIVE ON THE ASSIGNMENT OF COUNSEL OF THE SPECIAL COURT FOR SIERRA LEONE, AND UNDER THE INHERENT JURISDICTION OF THE TRIAL CHAMBER OF THE SPECIAL COURT FOR SIERRA LEONE.

This is a photocopy of the letter dated 23rd January 2004 referred to in paragraph (4) of the affidavit of Tamba Alex Brima sworn to at Freetown on the 27th day of January 2004 and marked Exhibit "T A B 2".

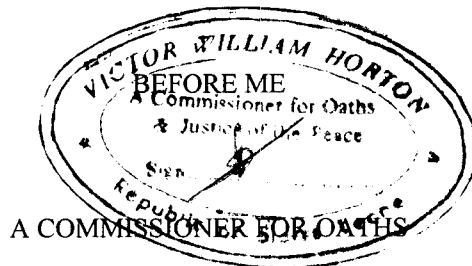


EXHIBIT TAB 2¹⁴
1791



SPECIAL COURT FOR SIERRA LEONE
JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE
PHONE: +39 0831 257000 or +232 22 297000 or +39 083125 (+Ext)
UN Intermission 178 7000 or 178 (+Ext)
FAX: +232 22 297001 or UN Intermission: 178 7001

23 January 2004

Mr. Terrence Terry
Marong House, 4 th Floor
11 Charlotte Street
Freetown

Re: The Prosecutor vs Alex Tamba Brima aka Tamba Alex Brima

Subject: Pending issues

Dear Mr. Terry,

I wanted to draw your attention towards three issues that could be dealt with while we await the decision of the Trial Chamber on the motion you filed earlier this month.

Payment of Legal Fees:

I hereby acknowledge having received your invoice for legal fees covering the period of April 2003 to December 2003. While we are in need of further information in order to process and approve your invoice, I nevertheless intend to authorise an interim advance payment of 50% of your invoice, minus the amount already paid to you in earlier advances (\$18,275.00USD), to represent a total of \$13,970.00USD in further advance. Please note that this advance payment does not constitute an approval of the invoice you have submitted. One of my Legal Officers will contact you next week to provide you with details on the information we need to enable us to process your invoice.

Investigator:

As you will recall, on 8 December 2003 I signed a contract to hire the investigator for your Defence Team, Mr. Yansme, for a period of six months. He also signed three original copies of this contract, which I then handed over to him for you to sign at your convenience. While one of the copies was for him and another was for you to keep, the last copy needed to be returned to the court in order to be signed and kept by the Personnel Section of the Special Court. From documents you filed with the court in your recent motion (the Investigation Service Contract filed as exhibit "C"), I note that you have signed this contract. Unfortunately, the copy we needed has, to date, not been returned to the court and, therefore, your investigator could not start his work. As this is an issue separate from our current situation, I would very much appreciate if you could return a signed original of this contract, in order to enable the investigator to start working on behalf of Mr. Brima and according to directions you have provided him with in the past.

While we are both aware that we await the outcome of your motion as to your assignment to Mr Brima, I think that we would also both agree, in the interests of Mr Brima and the wider interests of the trial process, that it would be sensible for you to instruct your Investigator to undertake any investigations which you feel are appropriate.

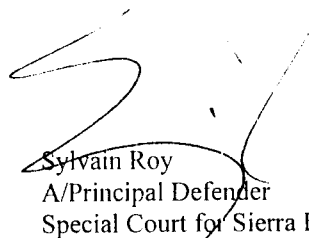
1792

Medical certificates:

While I do not want to enter into the debate now pending before the Trial Chamber, from the conversation you had with the Registrar, Mr. Vincent, on Friday 16 January 2004, I was made to understand that you would have received documents, from both your medical consultants in France and the United Kingdom, stating that you were no longer affected by the illness for which you had sought their medical services. I also understand that you had offered Mr. Vincent to provide him with these documents. Therefore, I take this opportunity to invite you to submit them to either Mr. Vincent or myself.

I shall await your comments and remain available if you wish to discuss these issues further.

Regards



Sylvain Roy
A/Principal Defender
Special Court for Sierra Leone

Cc: Robin Vincent
Registrar, SCSL

EXHIBIT "TAB 3"

1793

THE SPECIAL COURT FOR SIERRA LEONE
FREETOWN – SIERRA LEONE

BETWEEN:

TAMBA ALEX BRIMA - APPLICANT
DETAINEE AT THE SPECIAL COURT

AND

SYLVAIN ROY - 1ST RESPONDENT
ACTING PRINCIPAL DEFENDER
SPECIAL COURT FOR SIERRA LEONE

AND

THE REGISTRAR OF THE SPECIAL COURT
FOR SIERRA LEONE – MR. ROBIN VINCENT - 2ND RESPONDENT

AND

MR. ROBERT KIRKWOOD
THE DEPUTY REGISTRAR OF THE
SPECIAL COURT FOR SIERRA LEONE - 3RD RESPONDENT

APPLICANT'S MOTION AGAINST DENIAL BY THE ACTING PRINCIPAL DEFENDER TO ENTER A LEGAL SERVICE CONTRACT FOR THE ASSIGNMENT OF COUNSEL FOR AND ON BEHALF OF THE ACCUSED TAMBA ALEX BRIMA THE APPLICANT HEREIN PURSUANT TO RULE 72(B) (IV) OF THE RULES OF THE SPECIAL COURT FOR SIERRA LEONE AND PURSUANT TO ARTICLE 12(A) – OF THE DIRECTIVE ON THE ASSIGNMENT OF COUNSEL OF THE SPECIAL COURT FOR SIERRA LEONE, AND UNDER THE INHERENT JURISDICTION OF THE TRIAL CHAMBER OF THE SPECIAL COURT FOR SIERRA LEONE.

This is a photocopy of the letter dated 23rd January 2004 referred to in paragraph (5) of the affidavit of Tamba Alex Brima sworn to at Freetown on the 27th day of JANUARY 2004 and marked Exhibit "T A B 3".

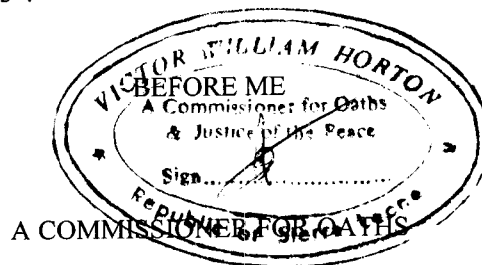


EXHIBIT TAB 3
1794

TERENCE TERRY

Barrister-at-Law & Solicitor
Marong House, 4th Floor
11 Charlotte Street
Freetown, Sierra Leone
Email: theodora@sierratel.sl

WITHOUT PREJUDICE

23rd January, 2004

Mr. Sylvain Roy
Acting Principal Defender
Special Court for Sierra Leone
Jomo Kenyatta Road,
Freetown

Dear Mr. Roy,

RE: Payment of Legal Fees:-

It is strange that you have addressed a letter dated 23rd January 2004 which was only received by me today 23rd January 2004 at about 4:00 p.m. in circumstances wherein my letter requesting payment of my professional fees was addressed to the Registrar of the Special Court for Sierra Leone.

Be that as it may since the issue of payment of my professional fees can hardly be said to be a contentious matter I am exceptionally prepared to accept the further advance payment of \$13,970.00 on the express understanding that the balance outstanding will be settled within the next week OR thereabout. Paragraph 2 of your said letter of 23rd January 2004 addressed to me is rather vague as it indicates an intention rather than an express authority for interim advance payment of 50% of my invoice. Perhaps you will be gracious enough to let me know whether you have accordingly forwarded instructions to the appropriate department OR authority to release same and when

...../2....

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exactly I should collect same in cash. I would have thought that the earlier advances of \$18,275.00 when mutually certified ought properly to be deducted from the balance professional fees as and when payment of the balance is effected. To be brutally frank, I find this a little unconscionable having regard particularly to the extent of work so far conducted by me single-handedly in defending my client Tamba Alex Brima. I however do not intend to press the issue if only to avoid creating the wrong impressions in certain quarters.

Investigator:

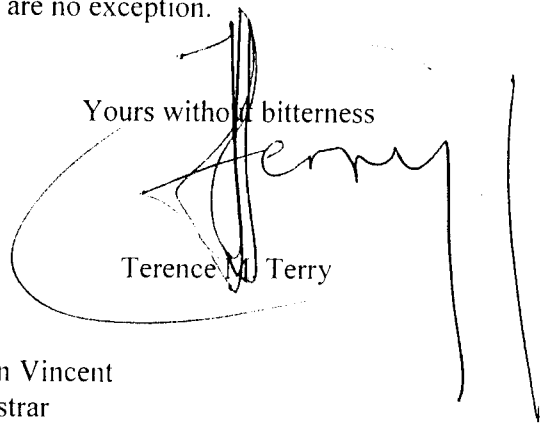
I note your concern and rightly so regarding the contract signed by you to hire Mr. Yansane for a period of six months. At the moment my client is not inclined for now to give his blessing to getting Mr. Yansane on board as an investigator for reasons which it will be ill-advised to address at this stage and for good reason. If indeed I can prevail upon him to allow Mr. Yansane to join the defence team in due course, I will immediately send you the Investigation Service Contract filed as Exhibit "C" to the motion pending before the Trial Chamber. In the event that my client feels otherwise, I will forward for necessary approval by the proper authority the name of the new Investigator I have in mind.

Medical Certificate

Once again you are seeking a Medical Certificate in circumstances wherein the matter is presently 'sub judice'. I find your request in this regard a little strange and true to form totally unnecessary and baseless. Moreover from my recent letter to the Registrar you may care to know that the Registrar unlike you knows his limit and was satisfied with my explanation. I therefore find your continued concern for me to produce a medical certificate to you when no other Counsel has been requested to do at best "discriminatory" and totally out of order. For the last time, I say to you that my medical history is no concern of yours, and particularly so as from what the Registrar mentioned to me your defence office got it all wrong initially. I resent it, I resent it, I resent it. Once again you are not a doctor and I am not bound to let you peruse my medical history. What a posture to take? You never stop trying even when

it now appears you have lost the argument. Good lawyers usually concede a point. I want to believe that you are no exception.

Yours without bitterness

A large, stylized handwritten signature in black ink, appearing to read 'Terence M. Terry'. The signature is written over the typed name and extends upwards and to the right.

Terence M. Terry

- Cc: (1) Mr. Robin Vincent
The Registrar
Special Court for Sierra Leone
Jomo Kenyatta Road, New England
Freetown
- (2) Defence Section
Special Court for Sierra Leone
Jomo Kenyatta Road, New England
Freetown
- (3) Tamba Alex Brima

EXHIBIT TAB 4

1797

THE SPECIAL COURT FOR SIERRA LEONE
FREETOWN – SIERRA LEONE

BETWEEN:

TAMBA ALEX BRIMA - APPLICANT
DETAINEE AT THE SPECIAL COURT

AND

SYLVAIN ROY - 1ST RESPONDENT
ACTING PRINCIPAL DEFENDER
SPECIAL COURT FOR SIERRA LEONE

AND

THE REGISTRAR OF THE SPECIAL COURT
FOR SIERRA LEONE – MR. ROBIN VINCENT - 2ND RESPONDENT

AND

MR. ROBERT KIRKWOOD
THE DEPUTY REGISTRAR OF THE
SPECIAL COURT FOR SIERRA LEONE - 3RD RESPONDENT

APPLICANT'S MOTION AGAINST DENIAL BY THE ACTING PRINCIPAL DEFENDER TO ENTER A LEGAL SERVICE CONTRACT FOR THE ASSIGNMENT OF COUNSEL FOR AND ON BEHALF OF THE ACCUSED TAMBA ALEX BRIMA THE APPLICANT HEREIN PURSUANT TO RULE 72(B) (IV) OF THE RULES OF THE SPECIAL COURT FOR SIERRA LEONE AND PURSUANT TO ARTICLE 12(A) – OF THE DIRECTIVE ON THE ASSIGNMENT OF COUNSEL OF THE SPECIAL COURT FOR SIERRA LEONE, AND UNDER THE INHERENT JURISDICTION OF THE TRIAL CHAMBER OF THE SPECIAL COURT FOR SIERRA LEONE.

This is a photocopy of the letter dated 23rd January 2004 referred to in paragraph (6) of the affidavit of Taraba Alex Brima sworn to at Freetown on the 27th day of JANUARY 2004 and marked Exhibit "T A B 4".



EXHIBIT 'TAB 4'
17-98

TERENCE TERRY

**Barrister-at-Law & Solicitor
Marong House, 4th Floor
11 Charlotte Street
Freetown, Sierra Leone
Email: theodora@sierratel.sl**

23rd January 2004

The Registrar
Special Court for Sierra Leone
Jomo Kenyatta Road, New England
Freetown

Dear Sir,

**RE: THE PROSECUTOR AGAINST ALEX TAMBA, also known as TAMBA
ALEX BRIMA also known as GUILIT CASE NO. SCSL -03-PT**

I acknowledge with thanks your timely intervention which has restored the telephone facility to enable me to reach Co-Counsel abroad.

I am constrained however to mention that when I spoke to one of the Co-Counsel Natacha Fauveau Ivanovic she indicated to me that she will not be available until March 2004 and even then she is in no position to guarantee her availability during the full length of the trial proper. It may well be that she may be aware of the impasse between the acting Principal Defender and myself but I shall restrain from putting it as high in saying that her decision has any connection whatsoever with the present impasse between the Acting Principal Defender and myself.

I am yet to reach the other Co-Counsel Mr. Karim Khan who has made one trip to Freetown and indeed had audience with Tamba Alex Brima during his visit to Freetown. I need hardly emphasise however that his trip to Freetown and all related expenses were settled from the funds allocated for Counsel defending indigent accused.

...../2...

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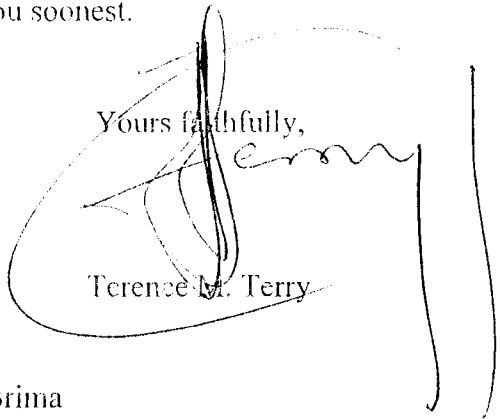
In the light of the foregoing, it may well turn out that I may need to recommend at least an alternative Co-Counsel in the event that Natacha Fauvean Ivanovic will not be in the position to act as Co-Counsel.

May I therefore ask of you to give me the necessary clearance to find suitable alternative Co-Counsel to assist me in conducting the defence of my client Tamba Alex Brima.

In the light of the difficulties put in my way by Sylvain Roy the purported Acting Principal Defencer and particularly so as the choice of Co-Counsel do now more than ever before warrant speedy action, I am now of the considered view that I need to interview at least 3 OR 4 potential Co-Counsel in Europe with whom I believe I will be in the position to work with at the start until the end of the trial proper of my client.

If indeed you or any other person for that matter wish to suggest possible potential Co-Counsel for me to interview it would certainly be a pleasure to interview them as well if you are so inclined to authorise my trip to Europe in the light of the special circumstances of my client's case so that I can together with Co-Counsel deal with all matters relating to the impending trial of my client. Such a trip if however you feel otherwise and in your wisdom you do not see it fit to approve my travel plans based on the reasons canvassed above, I trust that in your usual candour you will graciously let me know your reasons soonest.

I trust that I will hear from you soonest.

Yours faithfully,

Terence M. Terry

- Cc: (i) Tamba Alex Brima
(2) Defence Section

EXHIBIT TAB 5
1800

THE SPECIAL COURT FOR SIERRA LEONE
FREETOWN – SIERRA LEONE

BETWEEN:

TAMBA ALEX BRIMA - APPLICANT
DETAINEE AT THE SPECIAL COURT

AND

SYLVAIN ROY - 1ST RESPONDENT
ACTING PRINCIPAL DEFENDER
SPECIAL COURT FOR SIERRA LEONE

AND

THE REGISTRAR OF THE SPECIAL COURT
FOR SIERRA LEONE – MR. ROBIN VINCENT - 2ND RESPONDENT

AND

MR. ROBERT KIRKWOOD
THE DEPUTY REGISTRAR OF THE
SPECIAL COURT FOR SIERRA LEONE - 3RD RESPONDENT

APPLICANT'S MOTION AGAINST DENIAL BY THE ACTING PRINCIPAL DEFENDER TO ENTER A LEGAL SERVICE CONTRACT FOR THE ASSIGNMENT OF COUNSEL FOR AND ON BEHALF OF THE ACCUSED TAMBA ALEX BRIMA THE APPLICANT HEREIN PURSUANT TO RULE 72(B) (IV) OF THE RULES OF THE SPECIAL COURT FOR SIERRA LEONE AND PURSUANT TO ARTICLE 12(A) – OF THE DIRECTIVE ON THE ASSIGNMENT OF COUNSEL OF THE SPECIAL COURT FOR SIERRA LEONE, AND UNDER THE INHERENT JURISDICTION OF THE TRIAL CHAMBER OF THE SPECIAL COURT FOR SIERRA LEONE.

This is a photocopy of the letter dated 26th January 2004 referred to in paragraph (7) of the affidavit of Tamba Alex Brima sworn to at Freetown on the 27th day of JANUARY 2004 and marked Exhibit "T A B 5".

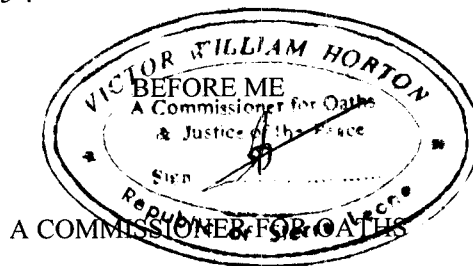


EXHIBIT "TAB 5"

TERENCE TERRY

Barrister-at-Law & Solicitor
Marong House, 4th Floor
11 Charlotte Street
Freetown, Sierra Leone
Email: theodora@sierratel.sl

1801

26th January 2004

WITHOUT PREJUDICE

The Registrar
Special Court for Sierra Leone
Jomo Kenyatta Road, New England
Freetown

Dear Sir,

**RE: THE PROSECUTOR AGAINST ALEX TAMBA, also known as TAMBA
ALEX BRIMA also known as GUILIT CASE NO. SCSL -03-PT**

Following our discussion of today Monday 26th day of January 2004, I now reflect in writing the substance of my proposal regarding settlement of profession fees due me:-

- (1) I have no objection to the deduction of \$18,275.00 USD proposed by Sylvain Roy even though the Acting Principal Defender did not descend into particulars. I however have no reason to doubt his final calculations. My only query is that in all fairness this amount by way of deduction of \$18,275.00USD should with respect be split into two stage deduction process - one of \$9,137.50USD as of now and the balance of \$9,137.50 USD later on which could be deducted upfront at the second stage when the total fee structure is finally mutually determined and reconciled by the Acting Principal Defender your goodself and myself after negotiations. I sincerely believe that such a two stage deduction process will be fair all round and especially so as I would have to pay one of the Legal Assistants on a pro rata basis from the funds Sylvain Roy is prepared to authorise for now.

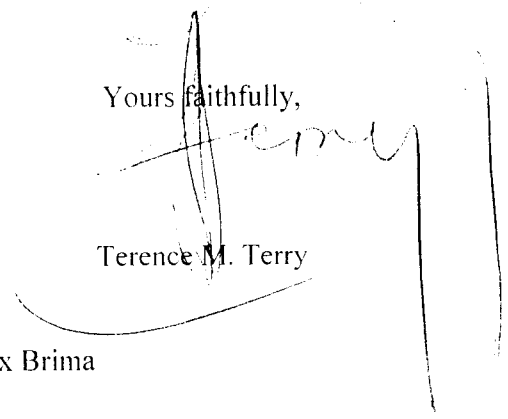
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Phones Direct: 232-22-226662/232-22-229972 -- (Tel: (Home) Freetown: 238021

1802

I hope this slight adjustment accords with good sense having regard particularly to the long delay in effecting payment of my fees, which I dare say cannot be laid at your doorstep.

Yours faithfully,

Terence M. Terry

A handwritten signature in black ink, appearing to read 'Terry', is written over the typed name 'Terence M. Terry'. The signature is stylized and somewhat cursive.

- Cc: (1) Tamba Alex Brima
- (2) Defence Section