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SCSL-2003-10-PT-019  
247-293)

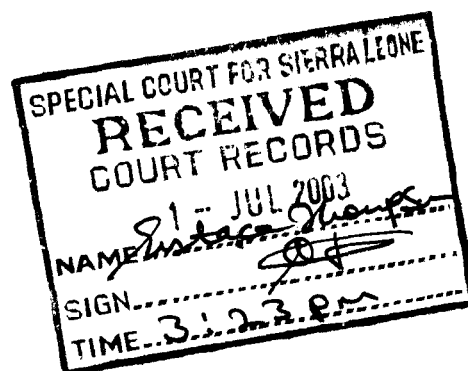
247

SPECIAL COURT FOR SIERRA LEONE  
OFFICE OF THE PROSECUTOR  
FREETOWN – SIERRA LEONE

Before: Judge Boutet,  
Designated Judge

Registrar: Robin Vincent

Date filed: 1 July 2003



THE PROSECUTOR

Against

BRIMA BAZZY KAMARA also known as  
IBRAHIM BAZZY KAMARA also known as ALHAJI IBRAHIM KAMARA

CASE NO. SCSL – 2003 – 10 – PT

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**EXTREMELY URGENT**

**PROSECUTION MOTION FOR INTERIM ORDERS TO ALLOW  
DISCLOSURE TO THE REGISTRY AND TO KEEP DISCLOSED  
MATERIAL UNDER SEAL UNTIL APPROPRIATE PROTECTIVE  
MEASURES ARE IN PLACE**

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Office of the Prosecutor:

Luc Côté, Chief of Prosecutions  
Robert Petit, Senior Trial Counsel  
Boi-Tia Stevens, Associate Trial Counsel

Defence Counsel:

Ken Fleming, Q.C.

**SPECIAL COURT FOR SIERRA LEONE  
OFFICE OF THE PROSECUTOR  
FREETOWN – SIERRA LEONE**

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**THE PROSECUTOR**

**Against**

**BRIMA BAZZY KAMARA also known as  
IBRAHIM BAZZY KAMARA also known as ALHAJI IBRAHIM KAMARA**

CASE NO. SCSL – 2003 – 10 – PT

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MEASURES ARE IN PLACE**

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1. Consistent with Articles 16 and 17 of the Statute of the Special Court for Sierra Leone (the Statute) and pursuant to Rules 53, 54, 66, 69, 73 and 75 of the Special Court's Rules of Procedure and Evidence (Rules), the Prosecution respectfully submits this motion to allow the transmission of the disclosure materials under Rule 66(A)(i) to the Registry.
2. By motion dated 11 June 2003, the Prosecution filed a Motion to Allow Disclosure to the Registry and to Keep Disclosed Material under Seal until Appropriate Protective Measures are in Place ("*Initial Disclosure Motion*"), which is pending. In light of the impending cut off date of the Prosecution's disclosure obligations under Rule 66(A)(i), that date being 4 July 2003, the Prosecution files this extremely urgent motion. The Prosecution submits that the filing of the instant motion supersedes the afore-mentioned Initial Disclosure Motion.
3. By motion dated 11 June 2003, the Prosecution requested immediate protective

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measures for witnesses and victims and for non-public disclosure. A copy of this motion is attached hereto as Attachment A.

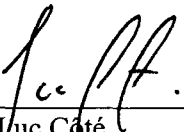
4. In the motion for immediate protective measures, the Prosecution requested the Designated Judge or Trial Chamber to order immediate measures to protect the identity of witnesses and to protect confidentiality of all non-public materials disclosed to the Defence. Those measures include:
  - allowing the Prosecution to withhold identifying data of Prosecution's witnesses or any other information which could lead to the identity of such a person to the Defence until twenty-one (21) days before the witness is to testify at trial;
  - prohibiting the Defence from sharing, discussing or revealing, directly or indirectly, any disclosed non-public materials of any sort, or any information contained in such documents, to any person or entity other than the Defence;
  - ensuring that the Defence does not interview Prosecution witnesses without the consent of the Chamber and reasonable prior notice to the Prosecution.
5. The initial appearance of the Accused was 4 June 2003. The Prosecution is using this date as the beginning date of its initial disclosure obligations pursuant to Rule 66(A)(i). Accordingly, Rule 66(A)(i) disclosure must be completed no later than 4 July 2003.
6. However, the Prosecution motion for protective measures is still pending. The Prosecution submits that the disclosure of materials to the Defence at this stage in the absence of protective measures will render moot issues to be resolved by a decision on the motion for protective measures, and would jeopardize the safety and privacy of victims and Prosecution witnesses as well as the integrity of Prosecution investigations.
7. The security situation in Sierra Leone, coupled with the co-existence in many communities of ex-combatants and victims provide reasonable grounds for the fears and concerns of witnesses and victims. This is supported by the following attachments which were also submitted in support of the Prosecution's motion for protective measures: Mr. Lahun's Investigator's Statement, dated 10 June 2003 (Attachment B), the 10 June 2003 Declaration of Dr. White, Chief of Investigations (Attachment C), the Declaration of Allan Quee, Director of Post-Conflict Reintegration Initiative for Development and Empowerment (PRIDE), a national NGO which deals directly with ex-combatants, dated 25 April 2003 (Attachment D), the Declaration of Saleem Vahidy, Chief of the Witness and Victims Unit, SCSL, dated 28 April 2003 (Attachment E); the letter from President Kabbah to the President of the UN Security Council and enclosures, dated 14 March 2003 (Attachment F); the Declaration of Keith Biddle, Former Inspector General of Sierra Leone Police, dated 29 April 2003 (Attachment G); and the Declaration of Brima Acha Kamara, Inspector General of Sierra Leone Police, dated 10 June 2003 (Attachment H).

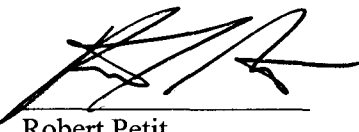
8. Absent appropriate protective measures and given the imminent disclosure cut-off date,  
the Prosecution requests the Designated Judge to issue:

- (a) an interim Order allowing the Prosecution to transmit its disclosure materials under Rule 66(A)(i) to the Registry;
- (b) an interim Order to the Registry to keep the disclosed material under seal until the Designated Judge or the Trial Chamber has issued orders for appropriate protective measures for witnesses, victims and non-public materials.

Freetown, 1 July 2003.

For the Prosecution,

  
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Luc Côté  
Chief of Prosecutions

  
\_\_\_\_\_  
Robert Petit  
Senior Trial Counsel

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**PROSECUTION INDEX OF ATTACHMENTS**

- A. Prosecution Motion for Immediate Protective Measures For Witnesses and Victims and For Non-Public Disclosure
- B. Investigator's Statement of Thomas Lahun, dated 10 June 2003.
- C. Declaration of Dr. Alan W. White, Chief of Investigations, dated 10 June 2003.
- D. Declaration of Allan Quee, Director of Post-Conflict Reintegration Initiative for Development and Empowerment (PRIDE), dated 25 April 2003.
- E. Declaration of Saleem Vahidy, Chief of Witness and Victim Unit, SCSL, dated 28 April 2003.
- F. Letter from President Kabbah to the President of the UN Security Council and enclosure, dated 14 March 2003.
- G. Declaration of Keith Biddle, Former Inspector General of Sierra Leone Police, dated 29 April 2003.
- H. Declaration of Brima Acha Kamara, Inspector General of Sierra Leone Police, dated 10 June 2003.

PROSECUTION ATTACHMENTS

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- A. Prosecution Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure

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SPECIAL COURT FOR SIERRA LEONE  
OFFICE OF THE PROSECUTOR  
FREETOWN - SIERRA LEONE

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SCSL-2003-10-PT-2P-009  
(70-222)

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Before: Judge Bankole Thompson,  
Designated Judge

Registrar: Robin Vincent

Date filed: 11 June 2003

THE PROSECUTOR

Against

SPECIAL COURT FOR SIERRA LEONE	
RECEIVED	
COURT RECORDS	
NAME	Justice Thompson
SIGN	[Signature]
TIME	4:10 PM

BRIMA BAZZY KAMARA also known as

IBRAHIM BAZZY KAMARA also known as ALHAJI IBRAHIM KAMARA

CASE NO. SCSL - 2003 - 10 - PT

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PROSECUTION MOTION  
FOR IMMEDIATE PROTECTIVE MEASURES  
FOR WITNESSES AND VICTIMS  
AND FOR NON-PUBLIC DISCLOSURE

---

Office of the Prosecutor

Luc Côté, Chief of Prosecutions  
Sharan Parmar, Assistant Trial Counsel

Defence Office

John Jones, Acting Chief of Defence Office  
Claire Carlton-Hanciles, Defence Associate  
Ibrahim Yillah, Defence Associate  
Haddijatu Kah-Jallow, Defence Associate  
Sam Scratch, Defence Intern  
Osho Williams  
Hadjibolah Malley Spain

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**SPECIAL COURT FOR SIERRA LEONE  
OFFICE OF THE PROSECUTOR  
FREETOWN – SIERRA LEONE**

**THE PROSECUTOR**

**Against**

**BRIMA BAZZY KAMARA also known as  
IBRAHIM BAZZY KAMARA also known as ALHAJI IBRAHIM KAMARA**

CASE NO. SCSL – 2003 – 10 – PT

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**PROSECUTION MOTION  
FOR IMMEDIATE PROTECTIVE MEASURES  
FOR WITNESSES AND VICTIMS  
AND FOR NON-PUBLIC DISCLOSURE**

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**I. INTRODUCTION**

1. Consistent with Articles 16 and 17 of the Statute of the Special Court for Sierra Leone (the Statute) and pursuant to Rules 53, 54, 69, 73 and 75 of the Special Court's Rules of Procedure and Evidence (Rules), the Prosecution respectfully submits a Motion for Protective Measures for witnesses and victims and for non-public disclosure.
2. The Prosecution submits that for the purposes of this motion:
  - (a) "the Prosecution" means and includes the Prosecutor of the Special Court for Sierra Leone (the Court) and his staff;
  - (b) "the Defence" means and includes the Accused, the defence counsel and their immediate legal assistants and staff, and others specifically assigned by the Court to the Accused's trial defence team in conformity with Rule 44;
  - (c) "witnesses" means and includes witnesses and potential witnesses of the Prosecution;
  - (d) "protected witnesses" means and includes the witnesses in the categories as set forth in paragraph 18 below;



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- (e) “victims” means and includes victims of sexual violence, torture as well as all persons who were under the age of 15 at the time of the alleged commission of the crime;
  - (f) “the public” means and includes all persons, governments, organizations, entities, clients, associations and groups, other than the Judges of the Court and the staff of the Registry, the Prosecution, the Defence, as defined above. “The public” specifically includes, without limitation, family, friends and associates of the Accused, and the Defence in other cases or proceedings before the Court.
  - (g) “the media” means and includes all video, audio, print media personnel, including journalists, authors, television and radio personnel, their agents and representatives.
3. The Prosecution requests the Designated Judge or Trial Chamber to order immediate measures to protect the identity of witnesses and to protect confidentiality of all non-public materials disclosed to the Defence. The Prosecution submits that it is necessary to take adequate measures to safeguard the security and privacy of witnesses and victims and the integrity of the evidence and these proceedings. The Prosecution seeks a decision on this motion before the end of the initial Rule 66(A)(i) disclosure period, 4 July 2003, to enable the Prosecution to meet its disclosure requirements. In case it is not possible to decide this motion before the end of the initial Rule 66(A)(i) disclosure period, the Prosecution has filed a separate motion requesting the transmission of the disclosure materials under Rule 66(A) to the Registry. The purpose of the separate motion is to protect the identity of witnesses and the confidentiality of all non-public materials until protective measures are ordered.
4. The Prosecution will provide timely disclosure by handing over relevant witness statements, interview reports and summaries of expected testimonies. In order to comply with the requirement to provide timely disclosure and with the requirement to protect vulnerable witnesses and victims, the Prosecution has redacted the names and any other identifying data of the witnesses from these materials presented to the Defence. This procedure provides the Defence with the substance of the statements and reports but protects the identity of the witnesses.

## **II. ARGUMENT**

### **A. Witnesses**

#### **i. Statute and Rules**

5. Articles 17.2 and 16.4 of the Statute recognise the need for and importance of protective measures for victims and witnesses.

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6. Rule 69 states that a party may apply to a Judge or Trial Chamber to order the non-disclosure of the identity of a victim or witness who may be in danger or at risk, until the Judge or Chamber decides otherwise. Rule 69 (C) states that "... the identity of the victim or witness shall be disclosed in sufficient time **before a witness is to be called** to allow adequate time for preparation of the prosecution and the defence." (Emphasis added.)
7. Rule 75(A) authorises a Judge or Trial Chamber to order appropriate measures for the privacy and protection of victims and witnesses, provided that the measures are consistent with the rights of the accused. Rule 75(B) provides a wide range of measures for protecting the identity of victims and witnesses ranging from the use of pseudonyms to the use of closed circuit television during testimony in court. The Prosecution submits that providing redacted material, which means the blackening of any information in witness statements and interview reports which could reveal the identity of witnesses and victims, is an appropriate measure for the privacy and protection of victims and witnesses consistent with the rights of the Accused. Where redaction would effectively render a witness statement or an interview report useless, the Prosecution will disclose summaries of points the points to which the witnesses are expected to testify.
8. It is worth noting that the language in Rules 69 and 75 is highly similar to Rules 69 and 75 of the Rules of Procedure and Evidence for both the International Criminal Tribunal for Rwanda (ICTR) and the International Criminal Tribunal for the former Yugoslavia (ICTY). Pursuant to its Statute and Rules, both the ICTR and the ICTY have issued several orders in the matter of the protection of witnesses. *See, e.g., Prosecutor v. Akayesu*, ICTR-96-4-T, 27 September 1996; *Prosecutor v. Rutaganda*, ICTR-96-3-T, 26 September 1996; *Prosecutor v. Muvunyi*, ICTR-2000-55-I, 25 April 2001; *Prosecutor v. Rwamakuba*, ICTR 98-44-T, 22 September 2000; *Prosecutor v. Tadic*, ICTY, IT-94-1, 10 August 1995; *see also* other cases cited herein.
9. In particular regarding the delayed disclosure of the identity of victims and witnesses, the language of this Court's Rule 69 (C) is most consistent with the Rule of the ICTR, which gives the Court the flexibility to balance the needs of the victims and witnesses and the rights of the Accused, and with the practice of the ICTR, which also uses the date on which a witness is to be called to testify, and not the commencement of trial, as the triggering event for disclosure of identifying data. *See, e.g., Prosecutor v. Rukundo*, ICTR- 2001-70-I, 24 October 2002, paragraph 22; *see also Prosecutor v. Zigiranyirazo*, ICTR 2001-73-I, 25 February 2003, paragraph 17.

ii. **Factual Bases for the Motion**

10. As shown by the cases cited herein, the jurisprudence of the ICTY and ICTR requires that the party seeking protective measures show the existence of a real fear for the safety of a witness or the witness' family and an objective basis for the fear. In addition, the plain language of Rule 69 establishes a requirement that there be a showing of exceptional circumstances. The

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existence of a real fear need not be shown by the witness himself or herself, but may be shown by others. *See Tadic, supra*, and ICTR cases cited herein.

11. The Prosecution submits the attached documents meet these requirements and support the granting of the relief requested. The existence of these conditions is established by Mr. Lahun's Investigator's Statement, dated 10 June 2003 (Attachment A), the 10 June 2003 Declaration of Dr. White, Chief of Investigations (Attachment B), the Declaration of Allan Quee, Director of Post-Conflict Reintegration Initiative for Development and Empowerment (PRIDE), a national NGO which deals directly with ex-combatants, dated 25 April 2003 (Attachment C), the Declaration of Saleem Vahidy, Chief of the Witness and Victims Unit, SCSL, dated 28 April 2003 (Attachment D); the letter from President Kabbah to the President of the UN Security Council and enclosures, dated 14 March 2003 (Attachment E); the Declaration of Keith Biddle, Former Inspector General of Sierra Leone Police, dated 29 April 2003 (Attachment F); and the Declaration of Brima Acha Kamara, Inspector General of Sierra Leone Police, dated 10 June 2003. The attached documents outline real and well founded fears for the safety of potential witnesses, provide an objective basis for these fears, and demonstrate the exceptional circumstances which exist to support the relief requested.
12. The future of this and all other cases before the Special Court for Sierra Leone depends on the ability and willingness of witnesses to give testimony and provide evidence. Threats, harassment, violence, bribery and other intimidation, interference and obstruction of justice are serious problems, for both the individual witnesses and the Court's ability to accomplish its mandate. The protective measures requested by the Prosecution would protect witnesses and victims against this kind of misconduct and are designated to ensure their safety, as well as that of their families. *See* paragraphs 4 and 6.d of the UN's *Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*, adopted by General Assembly Resolution 40/34 on 29 November 1985.
13. As related in the attachments, the situation in Sierra Leone threatens not only witnesses and their families but also all victims of the crimes under the jurisdiction of the Court. This is due to the unstable situation in neighbouring countries, and the presence throughout West Africa of large numbers of members of the armed factions involved in this conflict, including the Revolutionary United Front (RUF), the Civil Defence Forces (CDF) and the Armed Forces Revolutionary Council (AFRC), and of other people who collaborated with such factions. Therefore witnesses and victims living in Sierra Leone, and also those living in other countries in West Africa are directly affected by this situation and feel threatened. This includes people living outside the continent of Africa who have special reason to feel threatened and who therefore have requested protective measures.
14. The conditions in Sierra Leone are difficult. The perpetrators, victims, and witnesses are not separated. They are co-habitants of the same communities. They live and work in a closely-knit setting. As a consequence, the affairs of individual members of the community easily become widely known to all. This phenomenon significantly increases the unacceptability of open disclosure of identifying

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information of witnesses and victims, under which the likelihood of risk and harm is heightened.

15. Throughout the investigations of the Prosecution, there have been continuous instances involving interference with and intimidation of Prosecution's witnesses. The situations range from witnesses having their lives threatened either individually or by group, to witnesses' general fear and apprehension that they or their families will be harmed or harassed or otherwise suffer if they testify or co-operate with the Court.

**iii. Legal Bases for the Motion**

16. The Prosecution submits that the protective measures sought are consistent with Rules 66, 67 and 69. Further, the Prosecution submits that the requirements of Rule 69(C) are met by disclosure of identifying information 21 days prior to the testimony of the witness at trial. In certain cases the Prosecution may file individual requests for specific protective measures for specific witnesses, if necessary. However, this 21 day period of time, as a general rule, is a sufficient balance between the rights of the Accused and the need for protective measures for witnesses. The Prosecution submits that, as the substance of the witness' testimony will have been previously disclosed to the Defence, 21 days before testimony is sufficient time to allow the Defence to conduct any inquiries relating to remaining issues, such as credibility of the identified witness. *See, e.g., Zigiranyirazo, supra; see also Muvunyi, supra; Rwamakuba, supra.* Although the Court has previously ordered disclosure 42 days before witness testimony (*See, e.g., Prosecution v. Issa Sesay, SCSL-2003-05-PT*), the Prosecution maintains that 21 days prior to testimony is a reasonable balance, especially in light of the significant demands placed upon the Court's Witness and Victim Unit by a six week time period rather than one of three weeks.
17. The Chambers of ICTR found that such "rolling disclosure" affords the appropriate level of protection and allows adequate time for preparation of the Defence. The Prosecution submits that such "rolling disclosure" has crystallised as the prevailing practice of the ICTR. *See Prosecutor v. Nsengimana, ICTR-2001-69-T, 2 September 2002; Prosecutor v. Nyiramasuhuko, ICTR-97-21-T, 27 March 2001; Prosecutor v. Kajelijeli, ICTR-98-44-I, 6 July 2000; Prosecutor v. Nzirorera, ICTR 98-44-I, 12 July 2000; and other ICTR cases cited herein.* Because the language in this Court's Rules 69 and 75 is highly similar to Rules 69 and 75 of the Rules of Procedure and Evidence of the ICTR, the Prosecution requests that this Court adopt the practice of the ICTR concerning the "rolling disclosure". Thus, such "rolling disclosure" upholds both the rights of the Accused and the witnesses under Article 16 and 17, and Rules 66, 67 and 69. The measures requested are appropriate and similar to measures that have been granted by the ICTR and the ICTY in the past, and are designed to give due regard to the protection of victims and witnesses while at the same time safeguarding the rights of the Accused.

**iv. Witnesses Categorization**

18. For the reasons discussed above, the Prosecution seeks protection for persons who fall into three different categories, all of whom require protective measures. These three categories are:

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- (a) Witnesses who presently reside in Sierra Leone and who have not affirmatively waived their right to protective measures;
  - (b) Witnesses who presently reside outside Sierra Leone but in other countries in West Africa or who have relatives in Sierra Leone, and who have not affirmatively waived their rights to protective measures, and;
  - (c) Witnesses residing outside West Africa who have requested protective measures.
19. The Prosecution submits the practice of the ICTR, where the security situation is much like that of Sierra Leone, supports the granting of protection for categories of potential witnesses, and is the practice which should be followed by this Court. *See* ICTR cases cited herein.
- B. Non-Public Material (including witness statements, interview reports and summaries)**
20. The Prosecution requests that the Defence be prohibited from disclosing to the public or media any non-public materials which are provided to them as part of the disclosure process. The disclosure provided to the Defence pursuant to Rules 66, 67 and 68 is given for one purpose only, to enable the Defence to prepare to defend the Accused against the charges which the Accused faces, either at trial or on appeal. To that end, as in this case, the Defence will be provided with non-public materials, including witness statements, interview reports, and summaries relevant to the case. The disclosure of such material by the Defence, except to the limited extent necessary for their investigation of this case, may compromise ongoing investigations, existing indictments and the integrity of the system. Some Accused are still at large and public disclosure of Prosecutions information could provide them with the means to obstruct justice or fabricate evidence.
- C. Return of Materials**
21. As noted above, the Prosecution is obliged to disclose materials to the Defence for one purpose only, so that it may prepare to defend against the charges which its client faces. Given the limited purpose for which these materials are provided, the on-going security and privacy concerns of witnesses and victims, and the concern that other non-public materials may be used to undermine the course of justice if disclosed to the public, the Prosecution submits the Defence should be under an obligation to return all disclosed materials at the conclusion of the proceedings of this case. The materials would be returned to the Registry, thus preventing the Prosecution from being privy to any Defence work product that may be contained within the said materials.
- D. Defence Log, Designation of Defence Team and Requests to Contact Witnesses**
22. The Prosecution submits that it is in the legitimate interest of the Court and the Prosecution to have precise knowledge of those persons dealing with confidential and sensitive information, such as the identifying data of protected witnesses, as well

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as those in contact with such witnesses generally. Therefore, the Prosecution seeks those provisions which may provide the Court with the most direct means to exercise oversight regarding the implementation of protective measures, including, if necessary, the means by which to pursue alleged violations of the protective orders.

### III. ORDERS SOUGHT

23. In light of these serious and immediate problems and concerns, the Prosecution has grave concerns that the safety of witnesses, their willingness to testify and the integrity of these proceedings will be substantially jeopardised if witnesses' identities and statements are prematurely disclosed under circumstances in which they cannot be protected. In addition, the Prosecution has grave concerns that public disclosure of non-public materials of any sort would undermine the Prosecution's investigative efforts and the integrity of proceedings before this Court.
24. In order to provide immediate protection for these witnesses, victims and non-public materials, the Prosecution requests the Designated Judge or the Trial Chamber to issue the following eleven (11) orders:
  - (a) An Order allowing the Prosecution to withhold identifying data of the persons the Prosecution is seeking protection for as set forth in paragraph 16 or any other information which could lead to the identity of such a person to the Defence until twenty-one (21) days before the witness is to testify at trial; and consequently allowing the Prosecution to disclose any materials provided to the Defence in a redacted form until twenty-one (21) days before the witness is to testify at trial, unless otherwise ordered;
  - (b) An Order requiring that the names and any other identifying information concerning all witnesses, be sealed by the Registry and not included in any existing or future records of the Court;
  - (c) An Order permitting the Prosecution to designate a pseudonym for each witness, which was and will be used for pre-trial disclosure and whenever referring to such witness in Court proceedings, communications and discussions between the parties to the trial, and the public; it is understood that the Defence shall not make an independent determination of the identity of any protected witness or encourage or otherwise aide any person to attempt to determine the identity of any such person;
  - (d) An Order that the names and any other identifying information concerning all witnesses described in paragraph 23(a), be communicated only to the Victims and Witnesses Unit personnel by the Registry or the Prosecution in accordance with established procedure and only in order to implement protection measures for these individuals;
  - (e) An Order prohibiting the disclosure to the public or the media of the names and any other identifying data or information on file with the Registry, or any other information which could reveal the identity of witnesses and victims, and this order shall remain in effect after the termination of the proceedings in this case;

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- (f) An Order prohibiting the Defence from sharing, discussing or revealing, directly or indirectly, any disclosed non-public materials of any sort, or any information contained in any such documents, to any person or entity other than the Defence;
- (g) An Order that the Defence shall maintain a log indicating the name, address and position of each person or entity which receives a copy of, or information from, a witness statement, interview report or summary of expected testimony, or any other non-public material, as well as the date of disclosure; and that the Defence shall ensure that the person to whom such information was disclosed follows the order of non-disclosure;
- (h) An Order requiring the Defence to provide to the Chamber and the Prosecution a designation of all persons working on the Defence team who, pursuant to paragraph 23(f) above, have access to any information referred to in paragraphs 23(a) through 23(e) above, and requiring the Defence to advise the Chamber and the Prosecution in writing of any changes in the composition of this Defence team;
- (i) An Order requiring the Defence to ensure that any member leaving the Defence team remits to the Defence team all disclosed non-public materials;
- (j) An Order requiring the Defence to return to the Registry, at the conclusion of the proceedings in this case, all disclosed materials and copies thereof, which have not become part of the public record;
- (k) An Order that the Defence Counsel shall make a written request to the Trial Chamber or a Judge thereof, for permission to contact any protected witnesses or any relative of such person, and such request shall be timely served on the Prosecution. At the direction of the Trial Chamber or a Judge thereof, the Prosecution shall contact the protected person and ask for his or her consent or the parents or guardian of that person if that person is under the age of 18, to an interview by the Defence, and shall undertake the necessary arrangements to facilitate such contact.

Moreover, the Prosecution reserves its right to apply the Chamber to amend the protective measures sought or seek additional protective measures, if necessary.

#### IV. PRAYER

25. In view of the foregoing, the Prosecution prays that the Designated Judge of the Trial Chamber grants this Motion and issues the Orders sought, as set out above in paragraph 24.

In case it is not possible to decide this motion before the end of the initial Rule 66(A)(i) disclosure period, 4 July 2003, the Prosecution has filed a separate motion to request alternatively

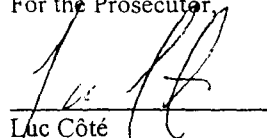
- (a) to be allowed to transmit the disclosure materials under Rule 66(A)(i) to the Registry within the period of disclosure; and
- (b) to order the Registry to keep the disclosed material under seal until the

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Designated Judge or the Trial Chamber has decided this motion and issued the relevant orders.

Freetown, 11 June 2003.

For the Prosecutor,



Luc Côté  
Chief of Prosecutions



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## PROSECUTION ATTACHMENTS

B. Investigator's Statement of Thomas Lahun, dated 10 June 2003

82-2014

## INVESTIGATOR'S STATEMENT

10 June 2003

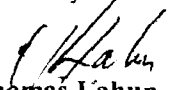
I, **THOMAS LAHUN**, Investigator in the Office of the Prosecutor, Special Court for Sierra Leone at 1A Scan Drive, Off Spur Road, Freetown, in the Western Area of the Republic of Sierra Leone affirmatively state as follows:

1. I work as an Investigator in the Office of the Prosecutor and I have due authority to make this statement.
2. I am also a professionally trained Policeman of the rank of Superintendent in the Sierra Leone Police Force where I have been working as a Policeman since 24 August 1970.
3. I have had considerable experience in detecting and investigating crimes having worked in the Criminal Investigations Department of the Sierra Leone Police Force for about 22 years during my career as a policeman.
4. Since 14<sup>th</sup> August 2002, I have been working in the Office of the Prosecutor, Special Court for Sierra Leone, where my duties include investigating crimes against international humanitarian Law and Sierra Leonean Law committed within the territory of Sierra Leone from 30<sup>th</sup> November 1996, during the period of armed conflict in Sierra Leone. My investigative duties include conducting interviews of persons who may appear as witnesses before the Special Court, and reviewing investigator notes and statements of such persons taken by other investigators in the Office of the Prosecutor.
5. I provide the following facts based on my duties as an investigator for the Office of the Prosecutor, Special Court for Sierra Leone, and on my previous experience as a Sierra Leonean police officer. These facts reveal as follows:
6. Members of the civilian population of Sierra Leone who may be called upon to appear as witnesses before the Special Court have expressed concern regarding their safety and security if it becomes known that they are co-operating with the Special Court, especially

if their identities are revealed to the general public, or to a suspect or accused, before appropriate protective measures can be put in place.

7. These potential witnesses point out that the Government of Sierra Leone is not actively prosecuting those who actually carried out crimes such as those alleged in the Indictments. As a result, these potential witnesses live among these perpetrators, and fear retaliation from them if the potential witness' identity becomes known to the public. This fear is heightened by the fact that many of the perpetrators now serve as members of the Armed Forces of Sierra Leone.
8. Potential witnesses have expressed fear of reprisals not only from those who actually carried out the crimes, but also from relatives and friends of the Accused, from those who are associated with the Accused, and from those who support the causes or factions the Accused represent.
9. The fears expressed are genuine and, in my opinion, are well founded, especially considering that many of the potential witnesses live in remote areas without any police presence or other semblance of security.
10. I believe that it is essential for the safety and security of these potential witnesses, their family members and for the work of the Special Court that the identifying data regarding these persons be withheld from the public and not be disclosed to any suspect or accused until such time as appropriate protective measures are in place.

I, THOMAS LAHUN, affirm that the information contained herein is true and accurate to the best of my knowledge and belief. I understand that wilfully and knowingly making false statements in this statement could result in proceedings before the Special Court for giving false testimony. I have not wilfully or knowingly made any false statements in this statement.

  
Thomas Lahun

Investigator, Task Force 1  
Office of the Prosecutor  
Special Court for Sierra Leone

PROSECUTION ATTACHMENTS

- C. Declaration of Dr. Alan W. White, Chief of Investigations, Office of the Prosecutor, dated 10 June 2003



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## SPECIAL COURT FOR SIERRA LEONE

### OFFICE OF THE PROSECUTOR

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#### DECLARATION

I, Alan W. White, Ph.D., Chief of Investigations for the Office of the Prosecutor of the Special Court for Sierra Leone (SCSL) do declare that the foregoing facts are true and accurate to the best of my knowledge.

I have served as Chief of Investigations for the Office of the Prosecutor of the SCSL since July 15, 2002. I have over 30 years of law enforcement experience both in and outside the United States, most of which has been spent conducting criminal investigations involving major crimes, such as homicide, rapes, sexual assault, white collar crime, and most recently crimes against humanity and violations of international law. I hold a bachelors degree in Criminal Justice, a master's degree in Management, and a Ph.D. in Criminal/Social Justice.

I have been working with confidential informants and witnesses for over 25 years, routinely conducting threat assessments of confidential informants and witnesses. As a result, I have extensive experience in providing security for witnesses and confidential informants, which in many cases required some sort of protection measures, including physical relocation. Immediately prior to my current assignment I served as the Director, Investigative Operations, and a Senior Executive Service member within the U.S. Government for the Defense Criminal Investigative Service (DCIS), the executive law enforcement agency within the U.S. Department of Defence. In addition to being responsible for the overall supervision of all DCIS criminal investigations worldwide, I was specifically responsible for the worldwide witness protection program within the DCIS.

In my current position as the Chief of Investigations for the Special Court for Sierra Leone, I have travelled throughout Africa and Europe conducting investigations involving crimes against humanity and international humanitarian law. During my travels I have spent a great deal of time in the West African Region conducting investigations and relocating witnesses, two of whom have already had their lives, and their families lives physically threatened through attempts carried out by some of the defendants who are either indicted or under investigation by the Office of The Prosecutor.

Among the duties of Chief of Investigations I am required to monitor and assess security developments in Sierra Leone and the neighbouring countries as they impact upon SCSL investigations and witness protection generally. In connection with my responsibilities with respect to security in Sierra Leone, I routinely discuss the local and regional security situation with the SCSL Chief of Security Bob Parnell, as well as with the Inspector General, Sierra Leone Police. Also, I am in constant contact with numerous other confidential sources of information within the region, which provide current security and threat information.

On January 13, 2003, there was an attempted theft of military weapons at the Wellington Army Barracks, later linked to a suspected military coup and attempt to disrupt the Special Court for Sierra Leone. One of the co-conspirators, Johnny Paul Koroma, was



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arrested by the Sierra Leone Police for subversive activities and later escaped. Koroma was subsequently indicted by the Special Court for violations of Crimes Against Humanity and International Humanitarian Law and currently remains at large.

Based upon the information provided to me by these various sources, I have learned the following about the current security situation in Sierra Leone and the neighbouring countries. The security situation in most of Sierra Leone and its neighbouring countries is volatile. The perpetrators, the victims and the witnesses are not separated. They are co-habitants of the same communities. They live and work in a closely-knit setting. Throughout the investigations of the Office of the Prosecutor, instances involving interference with and intimidation of Prosecutor's witnesses arise continually. The situation ranges from witnesses having experienced actual attempts upon their lives and threats thereof, either individually or by group, to witnesses' general fear and apprehension that they or their families will be harmed or harassed or will otherwise suffer if they testify or co-operate with the Court. This situation is due to the presence throughout West Africa of large numbers of members of the armed factions involved in the conflict that happened in Sierra Leone, including the Revolutionary United Front (RUF), the Civil Defence Forces (CDF) and the Armed Forces Revolutionary Council (AFRC) and other people who collaborated with such factions. Additionally, there are numerous members with the Republic of Sierra Leone Army and Sierra Leone Police, who are sympathizers and supporters of Johnny Paul Koroma, an indicted war criminal. Further, I have first hand information that supporters and sympathizers of Samuel Hinga Norman, former Chief of the CDF, continue to actively attempt to identify and intimidate witnesses of the Special Court. Therefore, witnesses living in Sierra Leone, and also those living in other countries in West Africa, are directly affected by this situation and feel threatened.

Signed at Freetown

The 10th day of June 2003

Alan W. White, Ph.D.  
Chief of Investigations  
Special Court for Sierra Leone

## PROSECUTION ATTACHMENTS

- D. Declaration of Alan Quee, Director of Post-Conflict, Reintegration Initiative for Development and Empowerment (PRIDE), dated 25 April 2003

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DECLARATION  
FROM  
POST-CONFLICT REINTEGRATION INITIATIVE  
FOR DEVELOPMENT AND EMPOWERMENT  
(PRIDE)

**Background**

PRIDE is an indigenous non-governmental organization working to advance lasting reintegration and development by ameliorating the socio-economic and mental conditions of ex-combatants and war affected parties. We were formed in April of 2001 and now consist of four staff and 35 volunteers, actively involved in projects throughout the country. Our main projects are (1) an effort to educate and consult with ex-combatants about the TRC and the Special Court, and (2) a project sensitizing ex-combatants about ending cycles of sexual and gender based violence. We are supported by the Open Society Institute for West Africa, the United States Embassy in Sierra Leone, and private individuals. We have also received consultancy contracts from the International Center for Transitional Justice, Global Witness, and the Truth and Reconciliation Commission.

PRIDE's mission is to support ex-combatants from all factions who are committed to reintegration. We work with former rank-and-file fighters and through relationships with former faction leaders in the areas we are active. We continually study ex-combatant attitudes towards the TRC and Special Court and provide policy analysis based on our findings.

In November of 2002, PRIDE launched a project to "Educate and Consult with Ex-Combatants about Accountability Mechanisms" (ECECAM). Since that time, we have reached approximately 7,000 ex-combatants through workshops and other programs. Our efforts have included ex-combatants in every district of the country except Kambia. The ECECAM project has concentrated in the following locations – Freetown, Kailahun, Koidu and Tongo (Kenema district), Pujehun and Makeni. As suggested by this geographical distribution, we work with all factions from the conflict, most notably ex-RUF, ex-AFRC/SLA, and CDF.

In October of 2002, PRIDE released a national survey of ex-combatants awareness of and attitudes towards the TRC and Special Court. The research project included a national survey and focus groups of ex-combatants in four locations around the country. We conducted the research under a consultancy with the International Center for Transitional Justice (available at <http://www.ictj.org/downloads/PRIDE%20report.pdf>).

Since the indictments in early April, we have communicated with ex-combatants in the following areas – Zimmi, Tongo, Kailahun, Bo, Kenema, Magburaka, Makeni, Kabala, Moyamba, and the Western Area (urban and rural). During all of these trips, we have been assessing the threat to and by ex-combatants in relation to the Special Court.

**Declaration of Threat to Witnesses**

Based on our interactions with ex-combatants from all factions throughout the country, we believe that Sierra Leoneans who give statements to the Special Court are at some



degree of risk. Ex-combatants who provide testimony against former commanders or colleagues fear retribution and we have extensive direct experience to suggest that such perceptions are justified. Furthermore, we hear regularly from non-combatants in these communities that they fear harm if they speak to the Special Court, and our experience with ex-combatants suggests that this perception as well is justified.

Since we began our work relating to the TRC and Special Court, ex-combatants have told us fiercely and consistently that they are worried about being called to testify before the Special Court because they fear being hurt or killed by their former commanders. Since the indictments and arrests in early April, the fear has intensified considerably. For the first time since we began our ECECAM efforts, we have had trouble getting ex-combatants to attend events in some locations because they are scared of being seen as speaking to the Special Court. We discovered this by speaking in informal setting to those ex-combatants who chose not to attend.

All factions express this fear. For the past year, the former RUF fighters have been slightly more concerned, and since the arrests, it is the former CDF members that are the most concerned about being harmed if they testify.

In our survey, we found that willingness of ex-combatants to testify was very low until we told them that the Special Court would be providing witness protection. For example, of ex-RUF members in the survey, before our sessions, only 27% said they would give testimony, but after our session at which witness protection was discussed, that number rose to 55%. PRIDE believes that this change demonstrates a fear of retribution from giving statements to the Special Court.<sup>1</sup> Our subsequent experience with ex-combatants confirms these findings, namely that ex-combatants are extremely concerned about witness protection with regards to the Special Court.

The report also notes that, "A corollary to the rank-and-file's witness protection concern is a continuing economic dependence on their former commanders. The rank-and-file in Bo particularly made it clear in the focus groups that ...[m]any still lack economic independence from commanders and have deeply ingrained fears of disobeying or betraying them."<sup>2</sup> Again, our subsequent experience confirms that most ex-combatants fear their former commanders not only because of physical threats but also because those same individuals still control the NGOs and other sources of jobs, the money, and the distribution of food on which most ex-combatants rely. For these reasons, ex-combatants feel particularly vulnerable because their life can depend on it.

Our assessment of the threat to witnesses also comes from hearing direct threats from individuals, including high ranking ex-combatants and faction loyalists. For example, one former Chief Security Officer in the East who made it clear that there would be

<sup>1</sup> Ex-Combatant Views of the Truth and Reconciliation Commission and the Special Court", page 17 at <http://www.ictj.org/downloads/PRIDE%20report.pdf>. We believe that this increase in willingness to participate may also result from other information, such as the knowledge that the Special Court is only going after those who "bear the greatest responsibility."

<sup>2</sup> Ibid, page 18.


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problems for the Special Court and anyone who was with them. The first time our staff visited Kailahun, a group of ex-combatants threatened to "take our heads off" if we came around talking about the Special Court.

Also, most of our volunteers are ex-combatants, and they are regularly threatened and branded "traitors" for being perceived to cooperate with the Special Court. We explain that our job is to provide accurate information about the Special Court rather than to advocate for it, but the environment is very tense and the threat of violence towards those seen as being with the Special Court are very real.

We also hear from ex-combatants and from non-combatant residents of the many communities that we visit that they are particularly scared because many former high-ranking perpetrators are still in the army and thus can hurt them. Specifically, some of those who have been indicted still have strong allies in the Army, so all people are afraid that those strong men will punish them for helping to put their friends in prison.

Signed,



Allan Quee, Director

25<sup>th</sup> April 2003

Date

## PROSECUTION ATTACHMENTS

- E. Declaration of Saleem Vahidy, Chief of the Witness and Victims Unit, SCSL,  
dated 28 April 2003

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## SPECIAL COURT FOR SIERRA LEONE

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### DECLARATION

I, Saleem Vahidy, Chief of the Witness and Victims Unit, of the Special Court for Sierra Leone (SCSL) solemnly declare that the following facts are true and accurate to the best of my knowledge.

I have served as Chief of the Witness and Victims Unit at the SCSL since 6 January 2003. Essentially I am a police Officer from Pakistan with over 23 years of policing experience, and have held several important and sensitive postings there, including Chief of Karachi Police, a city of over ten million inhabitants. In the years before joining the UN in 1998, I was the Provincial Chief of the Anti-Kidnapping for Ransom Unit, and investigated and prosecuted several high profile cases, and also established a Witness Protection Unit to look after threatened witnesses. From 1998 to December 2002, for over 4 years, I was Chief of the Witness and Victims Support Section (Prosecution) at the International Criminal Tribunal for Rwanda (ICTR), and dealt with over 400 protected witnesses and with all witness management issues, including threat assessments and relocations. I have also written a number of reports on protection issues at the request of the various Trial Chambers of the ICTR.

As Chief of the Witness and Victims Unit, I am required to conduct ongoing assessments of the general security situation in Sierra Leone and security threats to witnesses in particular. In carrying out these responsibilities, I regularly consult with Sierra Leone Police officials, Sierra Leone attorneys, the Security Section of SCSL, NGOs and UNAMSIL. The opinions expressed below are based on these consultations, the threats assessments relevant to particular potential witnesses, conversation with potential witnesses and other reports of threats against witnesses.

The 10 years of civil war in Sierra Leone has really damaged the whole system of Administration of Justice, and the overall level of protection available to the citizens is generally speaking, less than what it should be, although the Government is making every effort to revamp the Army, Police and Court system, doubts as to the efficacy of the institutions still remain, more so in the minds of the witnesses. The situation in Sierra Leone was further aggravated by the fact that the Government institutions like the Army and Police took sides with various parties to the conflict, and their impartiality became questionable.

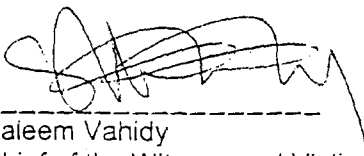
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In my opinion in Sierra Leone the issue of protection of witnesses is a far more serious and difficult matter even than in Rwanda. The trials are being carried out in the country where the crimes took place, and the witnesses feel particularly vulnerable. The witnesses do not actually trust anyone except the Court itself, operating through its officers. It should be borne in mind that, witnesses either for the Prosecution or the Defence, are always a delicate resource, and always need reassurances, and often times persuasion, before they are willing to testify. Thus, leaving aside issues of personal safety, even a small incident or a perceived threat may discourage the witness from coming to testify.

At present the Unit is already looking after numerous witnesses, and several threat assessments have been carried out. Without going into details, it is a fact that specific threats have been issued against some of the witnesses, to the extent that active efforts are being made by members of interested factions to determine their exact locations, probably with a view to carrying out reprisals.

Given the resources at the disposal of the Unit and the overall financial constraints of the SCSL, it is not possible for the Unit to implement complete protective measures for all witnesses, such as relocation to safe premises, change of identity, and other similar methods. Therefore utmost efforts are concentrated on keeping secret and confidential the fact that a person is a potential witness. The longer the witness' identity is withheld, the safer he or she is going to remain.

Therefore, it should be remembered that full un-redacted disclosure at the initial stages of the proceedings implies that witnesses will be completely identified to the accused several months or even longer before they are called for testimony. This certainly increases the risk of threats or even more severe actions being taken against them, and would make the work of the Witness Unit, and indeed the Court itself, much more difficult.

  
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Saleem Vahidy  
Chief of the Witness and Victims Unit  
The Special Court for Sierra Leone (SCSL)

Date: 28 Apr 03

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## PROSECUTION ATTACHMENTS

- F. Letter from President Kabbah to the President of the UN Security Council and enclosure, dated 14 March 2003



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**Letter dated 14 March 2003 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the Security Council**

On instructions from my Government, I have the honour to transmit herewith two letters and an aide-memoire addressed to the Secretary-General by His Excellency, Alhaji Ahmad Tejan Kabbah, President of the Republic of Sierra Leone (see annex).

I should be grateful if the present letter and its annex could be issued as a document of the Security Council.

(Signed) Joe Robert Pemagbi  
Ambassador  
Permanent Representative



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Annex to the letter dated 14 March 2003 from the Permanent Representative of Sierra Leone to the United Nations addressed to the President of the Security Council

Review of progress made so far in consolidating peace and security in Sierra Leone and in promoting national recovery

14 March 2003

I am pleased to inform you that my Government recently undertook a brief review of the outcome so far of the collective efforts of the Government of Sierra Leone and the international community, particularly the United Nations Mission in Sierra Leone (UNAMSIL), geared towards the consolidation of peace and security in Sierra Leone and the promotion of the recovery of the country from the effects of the war.

The review was presented in the form of an aide-memoire at the latest of a series of high-level group meetings periodically held between the Government and UNAMSIL (see enclosure I).

I have also addressed a separate letter to you with regard to the security needs of the Special Court for Sierra Leone, which has now started issuing indictments (see enclosure II).

(Signed) Alhaji Ahmad Tejan Kabbah  
President of the Republic of Sierra Leone

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Enclosure I

AIDE MEMOIRE

REVIEW OF PROGRESS ACHIEVED SO FAR IN  
CONSOLIDATING PEACE AND SECURITY  
IN SIERRA LEONE AND IN PROMOTING  
NATIONAL RECOVERY

INTRODUCTION

1. This Aide Memoire seeks to highlight the progress that has been made in the efforts to restore and consolidate peace and security in Sierra Leone. It also highlights areas of ongoing, new and anticipated difficulties, which would require close monitoring. In this regard, the Government of Sierra Leone will need to continue to work in close collaboration with the international community, particularly UNAMSIL, if it should succeed in meeting these challenges.

SECURITY ISSUES

2. Perceived threat to security. Even with the end of the rebel war and the holding of violence free and successful Presidential and Parliamentary elections, Sierra Leone continues to face the following direct external and internal security threats, among others:

(a) External threats.

(i) the border area between Sierra Leone and Liberia is home to dissident groups whose loyalty is transient and are known to serve as a recruitment pool for both the LURC and the Armed Forces of Liberia (AFL), and possibly by factions in the Ivorian conflict. There is also strong intelligence indicating the presence in Liberia of the former RUF battlefield commander, Sam Bockari and 1500/1800 RUF combatants.

(ii) recruitment of ex-combatants from Sierra Leone by warring factions in the sub region poses medium to long-term disarmament and reintegration problems in the event of their returning to the country armed S/2003/330

(iii) the presence in Liberia of Sam Bockari and his group could provide President Charles Taylor with a significant capability to destabilize Sierra Leone again if the opportunity presented itself

(iv) the fighting in Liberia continually creates tension along the Sierra Leone/Liberian border in Eastern Sierra Leone. It directly causes the movement of displaced persons/refugees into Sierra Leone. This places additional pressures on the already fragile economy of the country.

(v) the existence of organised units of Sierra Leonean mercenaries engaged in sub-regional conflicts may form the basis of future insurgencies.

(b) Internal threat

(i) recent attacks on military facilities in the east end of Freetown involving a former faction leader, J P Koroma suggest that there remain potential dissident groups who would be disposed to staging coup attempts if the opportunity presented itself;

(ii) there are frequent challenges to Government authority by vigilante type groups mainly in the diamond mining areas who take advantage of the inability of Government to enforce its authority because of the continued weakness of its institutions;

(iii) disaffection amongst the unemployed youth groups whose expectations cannot be fulfilled by government because of its weak resource base, leaves them open to exploitation by criminal and anti-democratic elements;

(iv) the commencement of criminal proceedings by the Special Court against key figures of the former warring factors may create new tensions which will further stretch the capacity of government and UNAMSIL to maintain law and order;

(v) there may still be disloyal elements in the Republic of Sierra Leone Armed Forces (RSLAF). Maintaining attractive Terms and Conditions of Service for the forces is therefore critical even as the government resource base is currently weak. Failure to do so could present a catalyst for dissent;

(vi) the RSLAF has not yet developed the capability to provide Military Aid to the Civil Power. This function is currently the responsibility of the Operational Support Division (OSD) in the Police but do not themselves have limited equipment and training.

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3. Government continues to develop the necessary policies and strategies as well as provide resources to effectively address the above-mentioned threats. However, Government's efforts are being undermined by severe resource constraints and other capacity problems arising mainly from a fragile economy, weak political and security institutions as well as weak human resource base.

Strengthening of RSLAF. The RSLAF is still in transition and whilst it is being progressively equipped and trained mainly by the British-led International Military Advisory and Training Team (IMATF), it is also thinly spread around the country and therefore it is not yet in a position to provide enduring, credible and sustainable security to Sierra Leone. The current deployment programme codenamed Operation PERU seeks to re-build and house the RSLAF in approximately 10 sites as opposed to the current 50 locations. This programme may take 213 years to complete and must run parallel with aligning provincial/district boundaries with brigade boundaries.

Strengthening of the SLP During the almost 11 year civil war in Sierra Leone, the Sierra Leone Police lost many of its personnel either by death or some moved to other countries as refugees. Up to date, it has been difficult to arrive at an exact personnel strength of the SLP.

6. The SLP also suffered heavy damage to its infrastructure as a result of the war. This is now being rebuilt with Government and donor partner resources.

7. There is an uneven and sparse deployment of personnel in the country due to the inadequacy of Police accommodation and stations countrywide.

8. An estimated personnel strength of 9,500 is required for effective nationwide police deployment. The personnel strength is currently only about 7700, and at the current rate of recruitment and training the total strength by 2004 will be only 8884. Therefore both recruitment and training need to be accelerated. This requires substantial resources, improved infrastructure, particularly the expansion of the Police Training School (PTS), and the prompt deployment of training advisers, mentors and strategic advisers promised by UNCIVPOL.

9. Resources are currently being provided by the Government, DFID and the UNOP to address some of these difficulties, including the rebuilding of police infrastructure. However, these efforts, particularly the expansion of the PTS and the rebuilding of barracks and police stations, need to be accelerated if the efficiency of the police, as envisaged in UNSC Resolution 1436(2002) is to be assured.

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10. Future of ex-Combatants

a. DDR Completion, Phase-Out and Future of Ex-Combatants

The NCDDR plans to complete its mandate and phase out by 31 December 2003. This was confirmed with donors at the last CG meeting in Paris (Nov 2002).

b. Reintegration

About 56,751 ex-combatants registered for reintegration support all over the country by the end of 2002. 75% (i.e. 38,689) of these either in ongoing or completed programmes or awaiting to be placed in approved projects. The total outstanding caseload of ex-combatants is estimated to be 14,700. It is planned that they will be placed into programmes before the deadline of 30 June 2003.

c. Challenges

- i. The high inter-District mobility of the outstanding caseload of ex-combatants together with their settlement in very dispersed villages/locations is posing serious difficulties for the programme.
- ii. Inability in the border areas has prevented the operation of credible agencies capable of providing sustainable reintegration support in the affected chiefdoms.

d. Funding. Additional funding requirement to complete the programme is about US\$6 million. No additional pledges of financial support have been received to meet this gap. Although Germany and the EU have indicated they would consider to provide further assistance later.

11. The Way Ahead. Reintegration is a long-term process and really takes place at community level. After NCDDR's short-term support to the ex-combatants, other key players will have to take over the longer-term process of generating jobs and opportunities for them (and the other unemployed). Although we are witnessing some positive developments in this direction in some areas and sectors, more needs to be done to prevent disillusionment among them.

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12. A transition programme that focuses on "advocacy" and cautious support post DDR has been developed. This entails identifying some capacity within the National Commission for Social Action (NaCSA) to advise the Commissioner on specific ex-combatant related problems that could be addressed by the existing programmes within the Commission. Discussions are on-going with NaCSA Management.

13. It is anticipated that UNAMSIL's presence during that transition phase would help to provide confidence in the process.

14. Disbandament of CDF Structures. In November 2001, the National Security Council chaired by His Excellency the President agreed to dismantle the command structure of the Civil Defence Force (CDF) and dissolved its national coordinating office.

15 This policy has been progressively implemented. All the CDF ex-combatants have now been disarmed and demobilized.

16. However, traces of CDF command structures continue to exist in parts of the rural areas. Government is responding to these challenges with the implementation of its programme for the extension of police presence and the general restoration of government's authority throughout the country.

#### RESTORATION OF GOVERNMENT AUTHORITY

17. The National Recovery process has been on going since the end of the war in January 2002. The immediate challenge was the restoration of civil authority in the seven districts that were hitherto held by the rebels. Recovery and Restoration processes commenced in April with the establishment of the National Recovery Committee chaired by the Vice President. The NRC had the mandate to coordinate the implementation of the restoration and recovery processes nation-wide.

18. By August 2002 the Recovery framework had been established in the twelve districts to coordinate and give leadership to the process at district level. Appropriate mechanism were put in place to facilitate planning, management and monitoring of developmental activities in every district. The goal was to firm tip the restoration of Civil Authority in all the twelve districts within 12 months but this has been hampered by a number of factors, including delays in the DDR process and the recently held Presidential and Parliamentary elections and resource constraints.

19. In terms of the recovery process, the needs are enormous. Key institutions were destroyed. Some of the structures are beyond repair. Schools, hospitals, administrative buildings, chiefdom detention facilities/prisons were all damaged or destroyed. While a lot has been done, much more has yet to be accomplished.

20. Civil Administration. Government is still grappling with the return of key administrative personnel throughout the country, especially to the remote districts of Kailahun, Kono, Pujehun and Koinadugu, to man critical sectors such as health (doctors, nurses and education (teachers). Local administration is functioning only minimally in some areas.

21. The holding of Paramount Chieftaincy elections in 61 vacant Chiefdoms to provide leadership for the decentralization gave strong boost to the restoration of civil authority. Sensitization is currently going on to prepare the population for the proposed decentralization programme. In this regard, Local Government elections are scheduled to be held in December 2003 to widen the democratic sphere nationally and to reinforce the restoration of Government authority at all levels nationally. The successful conclusion of local government elections nationwide will be a test of the viability of our democracy. However, continued support by UNAMSIL will be critical until the following:-

- a. That the forthcoming Local Government Elections may pose a threat in remote areas where Government authority has not been firmly established.
- b. The resettlement process of ex combatants in certain localities can prove volatile.
- c. The recently elected 61 Chiefs will need security support from a neutral body to fully establish their authority in the areas where they have been recently installed as Chiefs.
- d. The enforcement of mining regulations in some mining districts with large presence of ex combatants would require neutral security policing to avoid this triggering conflict.
- e. Chiefdom administrative penal system has not yet been fully established in most of the Chiefdoms to enforce law and order. Security support is required to preserve peace and stability.

#### DIAMOND MINING

22. With the relative restoration of Civil Authority in some parts of the country, the Ministry has established some presence in most parts of the country in an effort to restore orderly mining and marketing activities.

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23. UNAMSIL has been very helpful in providing logistics support to the Ministry to facilitate monitoring in a bid to discourage illicit mining activities, which have the tendency of disturbing the peace in diamond mining areas.

24. With the presence of UNAMSIL there has been progress in the control of illicit mining sector activities and law and order have been largely maintained in the mining areas. They have also afforded Government the opportunity to introduce control measures such as proper licensing systems. Consequently government has realized more revenue generated from the mining sector. This steady progress could be affected by the hasty withdrawal of UNAMSIL's presence in the mining areas.

25. It is anticipated that their continued presence will enable government to steadily build on the necessary structures that will ensure more effective enforcement of diamond mining regulations to sustain the sector.

26. Since the imposition of the certification system by UNSC (Resolution 1306 (2000) on 5th July 2000), and the implementation of the Certificate of origin in October 2000, diamond exports through legal channels have improved considerably. Diamond exports in 2000 amounted to US \$10 million, US \$26 million in 2001 and US\$41 million in 2002.

27. Moreover the Kimberly Process Certification System has been recently adopted by over 40 diamond producing and importing countries and this has further created a deterrent to diamond smugglers.

#### GENERAL ECONOMIC OUTLOOK

28. **Macroeconomic Performance.** Sierra Leone has made remarkable progress in advancing economic recovery, largely facilitated by the full deployment of the UN peacekeeping force (UNAMSIL). The increasing optimism and confidence generated has boosted economic activity and improved the environment for the normalisation of relations with development partners and the implementation of government's poverty reduction and growth policies. During this period, the economic strategy has focussed on addressing the immediate post-war needs and the longer-term development and poverty reduction issues.



29. Satisfactory progress has been achieved with programmes supported by the key multilateral and bilateral development partners including the International Monetary Fund (IMF), the World Bank, the European Commission, the African Development Bank, RADEA, Islamic Development Bank, UNDP <sup>2003/330</sup>

and the United Kingdom. At the meeting of the Consultative Group in Paris during November 13-14, 2002, donors committed to providing highly concessional external aid in the order of US\$650 million over the next 3-5 years. A donors meeting with the Organisation of Islamic Countries (OIC) early this year has also committed some aid to Sierra Leone.

30. In terms of economic performance, the real GDP has improved significantly from -17.6% in 1997 to -8.1% in 1999 and 3.8% in 2000. Real GDP is estimated to have increased further in 2002 by 6.3%, while the rate of inflation further declined to about -3%. Following a steep depreciation in 2001, the Leone appreciated slightly against the US dollar during 2002. At the same time, the real effective exchange rate remained relatively stable and the spread between the official and parallel market exchange rates also remained steady in the range of 5-8%. The foreign exchange reserves level has also improved. With strong donor support, substantial structural reforms have been undertaken in the fiscal and financial sectors and have particularly improved public financial management. The external current account deficit is however projected to rise significantly over the medium-term, reflecting the poor export performance and the large import requirements for reconstruction.

31. Macroeconomic Outlook Discussions relating to the third annual review under the three-year poverty reduction and growth facility supported by the IMF were recently concluded with IMF staff. A memorandum of economic and financial objectives and policies of the government for 2003 was negotiated and agreed. A budget profile over the period 2003-2004 was also outlined. The programme targets a real GDP growth rate of about 6.5%, supported mainly by the assumed continued recovery of activities in agriculture, mining, service industry, construction, public works and investment. The budget profile envisages a substantial increase in government revenue through the operationalisation of the newly formed National Revenue Authority and the restructuring of tax administration. Expenditure policies aim to further strengthen fiscal discipline on the part of the government. The challenge for monetary policy will be to sustain the low level of inflation, maintain a stable exchange rate improve on foreign reserves mobilization and sustain level of economic growth

32. All the objectives defined in the Interim Poverty Reduction Strategy Paper (IPRSP) have been achieved and the full PRSP is expected to be completed by the end of 2003. The government is focusing on advancing a number of reform programmes including public enterprise divestiture and restructuring, civil service and procurement reform and strengthening public financial management.

33. Maintaining this impressive progress requires improved security and political stability, since this sustains the investor and consumer confidence that provides the main boost to sustained economic recovery and growth. A growing economy will in turn provide a strong base for the further consolidation of the peace

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by creating employment and generating revenue for Government that enhances its ability to provide the necessary public services, including law and order.

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#### ENERGY SUPPLIES

34. Under the liberalization programme, the private sector has assumed full responsibility for the supply of petroleum products and the fixing of pump prices. Government however has a responsibility to guarantee adequate supply of products as well as competitive retail prices free from extortionist influences or practices.

35. However, recent substantial increases in world oil prices have led to unavoidable increases in the retail prices of petroleum products in the country. This has given rise to additional hardship for an already impoverished population. Besides high oil prices are having a direct negative impact on Government's poverty alleviation and post conflict recovery programmes. Government is concerned that ripple effects arising from these difficulties could further weaken the security situation, for which it is necessary to maintain a robust security apparatus.

36. Government intended measures to address current difficulties and stabilize the sector.

- a. Government is actively investigating the possibility of creating a six weeks strategic petroleum products stocks programme for Sierra Leone as we need to be sufficiently positioned to ensure continued fuel availability at all times. But the fledgling economic situation with various competing priorities following the end of the war affects the speed with which this can be done.
- b. The technical aspects of the pricing structure and its implementation are being closely monitored by an independent Petroleum Unit manned by downstream experts.
- c. The Ministry of Trade and Industry in consultation with the Petroleum Unit has set up a "Task Force" to address the uncertainties in the oil market as well as the incidence of illegal cross-border trade in petroleum products in our neighborhood

#### SITUATION IN LIBERIA

37. Upsurge of fighting in Liberia. There is an upsurge in the fighting in Liberia. Latest reporting indicates that the MANO RIVER BRIDGE, BO WATERSIDE, TIENI, SINJE, IENDEMA BRIDGE and

ROBERTSPORT are occupied by LURD. We can expect that AFL/ATU counter attacks may take place in these areas provoking a variety of border security problems.

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38. The Refugee and IDP Situation. Government is obliged to always ensure that the repatriation of refugees and resettlement of IDPs are done in conditions which guarantee their safety and dignity. Government has recently signed a tripartite agreement with the UNI-ICR and the Government of Guinea to promote the repatriation of an estimated 60,000 Sierra Leonean refugees in Guinea. A similar agreement

will be signed with various governments in the sub-region to promote the repatriation of another 70,000 refugees from those countries, mainly Liberia, Nigeria, the Ivory Coast etc. Even though much progress has been achieved in the peace process - disarmament of ex-combatants, conduction of peaceful elections, extension of state authority etc. yet the ideal situation for repatriation is not yet met. There are still gaps in the physical and effective presence of the Police and other government functionaries in various parts of the Eastern Province where a good number of the returnees will be resettling. UNAMSIL is therefore filling this gap in various ways as well as acting as a deterrent to cross border incursions from Liberia.

39. UNAMSIL also supports Government in the assessment of the safety and security of Chiefdoms for resettlement and provides logistical support (transportation, repairs of roads and bridges) for resettlement.

40. The Liberian crises has also created a large influx of Liberian Refugees who are entering from different crossing points and who are being transported to various camps with a significant support from UNAMSIL. An estimated population of 65,000 refugees are in the country with 46,317 in seven camps in the East and South of the country. These are Bandajuma — 5,979; Gerihun- 6,640; Gondama- 7,362; Jembe- 6,703; Jimmi Bagbo- 6,467; Largo- 5,633; Taiama- 7,534. UNAMSIL is providing trucks to transport them to camps in Kenema and Bo. A total of about 335 deserters from the Liberian conflict have been interned in Mapeh Camp. UNAMSL is also playing a deterrent role by helping to police the border and protecting the Mapeh Camp. On various occasions it has had to provide protection in the camps and in some communities,

PRESIDENTIAL LODGE

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PROSECUTION ATTACHMENTS

- G. Declaration of Keith Biddle, Former Inspector General of the Sierra Leone Police,  
dated 29 April 2003



SPECIAL COURT FOR SIERRA LEONE

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DECLARATION

I Keith Biddle, Inspector-General of the Sierra Leone Police of Spur Road, Freetown in Western Area of the Republic of Sierra Leone declare:

1. That in my position as Inspector General of the Sierra Leone Police and member of the National Security Council of Sierra Leone, I am required to conduct ongoing assessments of the security situation in Sierra Leone and in surrounding countries.
2. In my assessment, security conditions in Sierra Leone, despite the presence of UNAMSIL, remain volatile. This situation poses a real threat to the security of victims and potential witnesses. Based upon the current capabilities of the Sierra Leone Police and the situation in the country, in my view our police system does not have the capacity to guarantee the safety of witnesses or prevent them from injury or intimidation.
3. The contents of this declaration are true to the best of my knowledge, information, and belief.

Done in Freetown, Sierra Leone

On the 29 April 2003

Keith Biddle

Inspector-General of the Sierra Leone Police

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PROSECUTION ATTACHMENTS

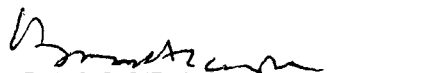
- H. Declaration of Brima Acha Kamara, Inspector General of the Sierra Leone Police,  
dated 10 June 2003

DECLARATION

I, Brima Acha Kamara, Inspector General of the Sierra Leone Police declare:

1. I assumed the position and duties of Inspector General of the Sierra Leone Police on 1 June 2003. For the past two years, I held the position of Senior Assistant Commissioner in Charge of Change Management, prior to which I was the Head of the Criminal Investigations Department (CID) for the Sierra Leone Police for approximately one year.
2. I have reviewed the declaration signed by Keith Biddle on 29 April 2003, my predecessor in the position of Inspector General. Mr. Biddle's declaration was completed in response to a prior, but similar motion brought by the Prosecution for witness and victim protection measures.
3. The situation in Sierra Leone remains today as it did on 29 April 2003 when then Inspector General Biddle completed his declaration. I fully concur with the contents of his declaration.
4. As the new Inspector General of the Sierra Leone Police and member of the National Security Council of Sierra Leone, I am required to conduct ongoing assessments of the security situation in Sierra Leone and in surrounding countries.
5. In my assessment, security conditions in Sierra Leone, despite the presence of UNAMSIL, remain volatile. This situation poses a real threat to the security of victims and potential witnesses. Based upon the current capabilities of the Sierra Leone Police and the situation in the country, in my view our police system does not have the capacity to guarantee the safety of witnesses or prevent them from injury or intimidation.
6. The contents of this declaration are true to the best of my knowledge, information, and belief.

Done in Freetown, Sierra Leone  
On 10<sup>th</sup> of June 2003



Brima Acha Kamara  
Inspector General of the Sierra Leone Police