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SCSL-04-16-T  
(18079-18089)

18079

**SPECIAL COURT FOR  
SIERRA LEONE**

Case No. SCSL-2004-16-T

BEFORE: Justice Richard Lussick, Presiding  
Justice Julia Sebutinde  
Justice Teresa Doherty

Registrar: Lovemore Munlo, SC

Date filed: 28 April 2006

**THE PROSECUTOR**

**Against**

**ALEX TAMBA BRIMA  
BRIMA BAZZY KAMARA  
And  
SANTIGIE BORBOR KANU**

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**PUBLIC ANNEXES TO MOTION ENTITLED "JOINT DEFENCE  
APPLICATION FOR PROTECTIVE MEASURES FOR DEFENCE WITNESSES"**

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Office of the Prosecutor:

Jim Johnson  
Karim Agha  
Jim Hodes  
Charles Hardaway

Defence Counsel for Brima

Kojo Graham  
Glenna Thompson

Defence Counsel for Kamara

Andrew Daniels  
Mohamed Pa-Momo Fofanah

Defence Counsel for Kanu

Geert-Jan A. Knoop  
Agibola Manly-Spain  
Cary J. Knoop

SPECIAL COURT FOR SIERRA LEONE	
RECEIVED	
COURT MANAGEMENT	
28 APR 2006	
NAME	Geoff Walker
SIGN	<i>[Signature]</i>
TIME	14:25

Annexes to Motion entitled "Joint Defence Application for Protective Measures for Defence Witnesses"

Further to the Defence Motion entitled "Joint Defence Application for Protective Measures for Defence Witnesses" filed on 25 April 2006, the defence hereby files the annexes below:

Annex A

**Provisional List of Witness Pseudonyms classified under the three categories below:**

A-Serving Soldiers

B-Former Soldiers

C-Civilians

N/B: This Witness List is not final, it shall be upgraded to accommodate additional witnesses as may be necessary.

Annex B

Statement by legal Assistant

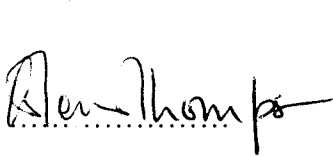
Annex C

Investigator's Statement

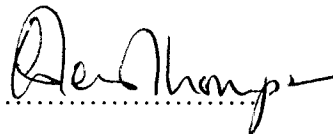
Annex D

Statement by Witness Support Assistant

Filed 28 April 2006



Counsel for Brima



PP Counsel for Kamara



Counsel for Kanu

**ANNEX A****Provisional List of Witness Pseudonyms classified under the three categories below:**

A-Serving Soldiers

B-Former Soldiers

C-Civilians

**A-Serving Soldiers**

DBK-006

DBK-062

DAB-047

DAB-051

DAB-053

DAB-055

DAB-056

DAB-057

DAB-074

DBK-048

DAB-077

**B- Former Soldiers**

DAB-019

DAB-010

DAB-023

DAB-018

DAB-002

DBK-063

DBK-059

DBK-013

DAB-045

DAB-046

DAB-049

DAB-054

DAB-064

DAB-065

DBK-061

DAB-071

DAB-072

DAB-093

DBK-001

DAB-075

DBK-012

DAB-005  
DBK-107

**C-Civilians**

DAB-014  
DAB-043  
DAB-028  
DAB-027  
DAB-025  
DAB-077  
DAB-078  
DAB-063  
DAB-080  
DAB-081  
DAB-082  
DAB-083  
DAB-084  
DAB-085  
DBK-086  
DBK-087  
DBK-053  
DBK-064  
DBK-056  
DAB-048  
DAB-050  
DAB-052  
DAB-058  
DAB-059  
DAB-060  
DAB-061  
DAB-062  
DBK-060  
DAB-066  
DAB-067  
DAB-068  
DAB-073  
DAB-076  
DAB-086  
DAB-087  
DAB-088  
DAB-089  
DAB-090  
DAB-091  
DAB-092  
DBK-099

DBK-98  
DBK-108  
DBK-084  
DBK-085  
DBK-086  
DBK-096  
DBK-094  
DBK-089  
DBK-093  
DBK-104  
DBK-105  
DBK-090  
DBK-100  
DBK-101  
DBK-102  
DBK-103  
DBK-083  
DBK-082  
DBK-095  
DBK-087

**ANNEX B**

**STATEMENT BY LEGAL ASSISTANT**

I, OSMAN KEH KAMARA, Legal Assistant, attached to the Defence team of Tamba Brima at the Special Court for Sierra Leone, Jomo Kenyatta Road, Freetown in the Western Area of the Republic of Sierra Leone states as follows:

1. I am Barrister and Solicitor of the High Court of Sierra Leone having been called to the Bar in year 2000. I am currently serving as the Legal Assistant to the Brima Defence Team.
2. My duties include legal research, assessment of witnesses, coordination of the investigator and more recently locating and interviewing of potential witnesses.
3. In pursuance of preparing the Defence case, I have travelled to all the provinces of Sierra Leone in search of witnesses. In some cases I would conduct this exercise with an Investigator and on other occasions, I would do this with Counsel. Investigations have not only covered the provinces, but also the Western Area which includes Freetown.
4. In talking to witnesses, I have been able to assess their suitability for the Defence case, their capacity to deal with a strange atmosphere like a court room and assess any anxieties they express about their involvement in this case.
5. In the past year, I have spoken to three categories of witnesses:
  - a. serving soldiers
  - b. former soldiers
  - c. civilians – both independent and those who know and/or are related to the accused persons
6. I have been able to draw the following conclusion:
  - a. Serving Soldiers: These category of witnesses fear reprisals from Superiors and the government if they were seen to be cooperating with the Defence. The Witnesses are all serving soldiers and many of those who were members of the AFRC ended up at the Pademba Road Prisons. Some though released later are being made to report on a weekly basis, whilst some were dismissed from the army. Those who are still in the Army have tended to move on, drawing a line under their involvement with the AFRC. The situation is further exacerbated by reports of some soldiers being picked up and interrogated about visiting the Special Court.

- b. Former soldiers: These fear reprisals from those in the community who still see them as AFRC collaborators. Many have found other employment and therefore would not want their current economic situation jeopardised.
  - c. Civilians: Many civilians have raw memories about what transpired during the so called Junta period. They like the two above categories also know that many people lost their lives for being termed Junta collaborators. Whilst they were willing to give their account of what happened they feared for their safety and that of their families.
7. All these people expressed a fear for their safety. All of them were able to talk to the Defence, but there was an underlying fear for their safety. Indeed not long after we departed one district news reached us that two prominent witness we spoken to had been harassed by other locals. The fact that they had appeared to have spoken favourably at a Defence outreach meeting meant they were picked upon by other locals. This notwithstanding the fact that when we did interview them we took that extreme measures to ensure that though they knew who we were and what we had come for, other locals would be kept out of it for fear of reprisals against our interviewees.
8. It is my considered opinion, based on the experiences we have gained out in the field that witnesses would only give evidence before this Trial Chamber if the concealment of their identities was guaranteed

I, OSMAN KEH KAMARA, affirm that the information 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 a false statement in this statement.

28 April 2006



OSMAN KEH KAMARA  
Legal Assistant  
Defence Team of Tamba Brima  
Special Court for Sierra Leone

ANNEX CINVESTIGATOR'S STATEMENT

I, IBRAHIM KARGBO, Investigator attached to the Defence team of Ibrahim Bazy Kamara at the Special Court for Sierra Leone, Jomo Kenyatta Road, Freetown in the Western Area of the Republic of Sierra Leone states as follows:

1. I am a trained police officer and was a Detective Constable before resigning from the force in March 2005.
2. I have 15 years experience in the investigative work gained in the Sierra Leone Police Force and I have considerable experience in sourcing witnesses, investigation and assessing risk to informants and persons closely associated with them.
3. As an investigator to the Defence team, my duties include, identifying potential witnesses, obtaining statements from them and handing them over to Counsel in the Defence teams to assess their suitability as Defence witnesses. This work necessitates talking to not only former Army personnel, but also serving soldiers as well as civilians in areas which form the crime bases for the prosecution's case. In this regard, I work closely with other investigators, Legal Assistants and Counsel of all three teams.
4. In my capacity as Investigator I have travelled to all the provinces in Sierra Leone. My travels have taken me to several districts and to some of the most remote parts of Sierra Leone which make up the prosecution's indictment. I have met with potential witnesses, who have explained their experiences to me, from which I have been able to assess their concerns and ultimately their security.
5. Apart from my career in the Police Force, I was resident in Sierra Leone during what has become known as the "Junta period", that is to say the period from May 1997 to February 1998; and during the events which culminated in the invasion of Freetown on the 6<sup>th</sup> January 1999 as well. I therefore have first hand experience and knowledge of the depth of feelings amongst the people of Sierra Leone for the events that took place during this period. I am therefore best placed to gauge the mood and attitude towards the people who are perceived as being Junta collaborators by reasons of their link, however slight, to the work of the Defence.
6. By virtue of the foregoing, I can categorically say that:
  - a. Serving soldiers have spoken to us only on the understanding that their identities are not revealed. They fear reprisals from their superiors and others who, although were part of the AFRC would prefer not to talk about that period and not be involved with anything or anyone associated with that regime. They fear that if their identities were revealed the authorities



would unkindly to it and that will result in their security and that of their families being compromised.

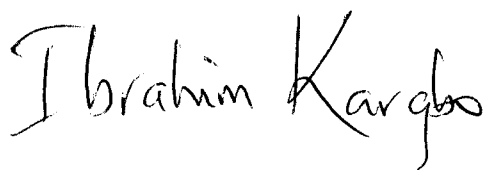
b. Former soldiers have expressed the same fear as the serving soldiers and are afraid that though they are no longer serving soldiers, the authorities may still take the view that they are a threat to the State.

c. Civilian witnesses who have expressed fears that people in their communities would not support their involvement with the Defence. In some cases this goes as far as any form of involvement with the Special Court. The fear is that if their involvement became known, they would be forced to flee their homes, relocate elsewhere and be separated from everything that they have known all their lives.

7. From the investigations we have conducted, I am of the view that these fears are real and that if the Defence did not find a way of protecting them, these witnesses may not testify.

8. I am therefore of the view that for the benefit of the defence case as well as the protection of these witnesses and their families, it is imperative that the witnesses receive protection.

I, IBRAHIM KARGBO, affirm that the information 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 a false statement herein.



IBRAHIM KARGBO  
Investigator  
Defence Team of Ibrahim Bazy Kamara  
Special Court for Sierra Leone

24/04/06

**ANNEX D**

**DEFENCE WITNESS SUPPORT ASSISTANT'S STATEMENT**

I, Bockarie Marrah, Witness Support Assistant in the Office of the Principal Defender at the Special Court for Sierra Leone, Jomo Kenyatta Road, Freetown, in the Western Area of the Republic of Sierra Leone state as follows :

1. I am a trained and qualified Social Worker with expertise in dealing with all categories of people, especially in post-conflict situations.
2. I have about nine years experience in counselling and providing support to ex-combatants and war affected persons. I also have considerable experience in assessing the material and social needs of all categories of vulnerable persons.
3. As Witness Support Assistant in the Office of the Principal Defender, part of my duties involves the coordination of witness readiness for all Defence Teams. It is my responsibility to provide information to the Principal Defender and all Defence Teams on all issues that promote or impede the willingness and readiness of Defence witnesses to testify. It involves travelling round the country, identifying the witnesses, assessing their support needs and reporting their concerns to the relevant authorities including the Witness and Victims Support Section.
4. I have met and held discussions with all confirmed AFRC witnesses in the Western Area and up-country. I have assessed their support needs and communicated their concerns to the Principal Defender and the AFRC Defence Teams.
5. I have lived in Sierra Leone for almost all my life , and have worked in almost all the districts of the country both during and after the war. I therefore have first hand experience of the general views of various social groups about the AFRC and those associated with them.
6. by virtue of the above, I hereby state that :
  - a. The majority of Sierra Leoneans still harbour grievances against the former AFRC Junta members and their associates.
  - b. Serving soldiers prefer anonymity for fear of personal, family and job security.
  - c. Ex- soldiers also express similar sentiments on the grounds that they might be considered by the government as a threat to national security.
  - d. Civilian witnesses have also expressed fears about possible attacks and intimidation from other civilians and from local authorities if their

identities are revealed. Witnesses particularly in Koinadugu, have complained of suspicion from their community people as a result of what they said at AFRC Defence Outreach programs.

7. From my assessment of the situation , I strongly believe that these fears are real and that , if not addressed now, might seriously affect witness willingness to testify.
8. I am therefore of the view that for the benefit of the Defence case as well as the protection of these witnesses and their families, it is imperative that the witnesses receive protection.

I, BOCKARIE MARRAH, do affirm that the information 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 a false statement herein.

26 April 2006



BOCKARIE MARRAH  
Witness Support Assistant  
Office of the Principal Defender  
Special Court for Sierra Leone.