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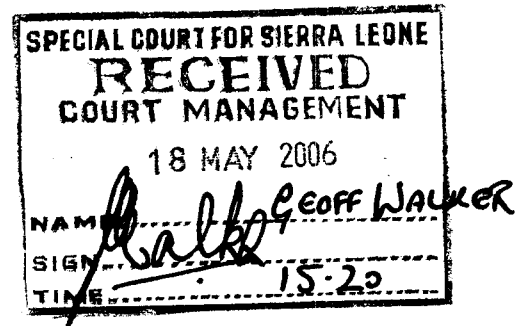
**SPECIAL COURT FOR
SIERRA LEONE**

Case No. SCSL-2004-16-T

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

Registrar: Lovemore G. Munlo, SC

Date filed: 18 May 2006



THE PROSECUTOR

against

ALEX TAMBA BRIMA

BRIMA BAZZY KAMARA

and

SANTIGIE BORBOR KANU

**PUBLIC JOINT DEFENCE MOTION FOR
PROTECTIVE MEASURES FOR WITNESS DBK-088**

Office of the Prosecutor:
Christopher Staker
Karim Agha

Defence Counsel for Kanu:
Geert-Jan A. Knoop, Lead Counsel
Cary J. Knoop, Co-Counsel
A.E. Manly-Spain, Co-Counsel

Defence Counsel for Brima:
Kojo Graham
Glenna Thompson

Defence Counsel for Kamara:
Andrew Daniels
Mohamed Pa-Momo Fofanah

I INTRODUCTION

1. During the Status Conference of 17 May 2006,¹ the Prosecution informed the Defence and Trial Chamber that Witness number 40 on the list of witnesses in Annex 1 to the “Confidential Joint Defence Disclosure Pursuant to Trial Chamber Order of 26 April 2006,”² (“**Defence Disclosure**”) was not included in the “Public Joint Defence Application for Protective Measures for Defence Witnesses”³ (“**Application for Protective Measures**”) and hence does not fall under the protective measures provided by the Trial Chamber in the “Decision on Joint Defence Application for Protective Measures for Defence Witnesses”⁴ (“**Decision on Protective Measures**”).

II LEGAL ARGUMENT

2. The Defence was, until the observation by the Prosecution at the Status Conference, not aware of this omission in its Application for Protective Measures.
3. The Defence respectfully requests the honorable Trial Chamber, in variance of its Decision on Protective Measures, to apply and extend, *mutatis mutandis*, the protective measures applied to the witnesses included in Annex A to the Application for Protective Measures, to this witness.
4. The Defence respectfully argues that such oversight on part of the Defence should not lead to a threatening situation for this particular witness, especially taking into account the Trial Chamber’s deliberation on p. 2 of the Decision on Protective Measures, indicating that it is “[s]atisfied that there is a reasonable apprehension of risk or danger to witnesses expressed in the supporting material submitted by

¹ *Prosecutor v. Brima, Kamara and Kanu*, Transcript 17 May 2006, p. 5 (lines 24-28).

² *Prosecutor v. Brima, Kamara and Kanu*, Confidential Joint Defence Disclosure Pursuant to Trial Chamber Order of 26 April 2006, 10 May 2006, Case No. SCSL-2004-16-T-490.

³ *Prosecutor v. Brima, Kamara and Kanu*, Public Joint Defence Application for Protective Measures for Defence Witnesses, 25 April 2006, Case No. SCSL-2004-16-T-476.

⁴ *Prosecutor v. Brima, Kamara and Kanu*, Decision on Joint Defence Application for Protective Measures for Defence Witnesses, 9 May 2006, Case No. SCSL-2004-16-T-488.

the Defence and considering the entire security situation in Sierra Leone and that protective measures can be ordered on the basis of a current security situation even where the existence of threats or fears as regards specific witnesses has not been demonstrated.”

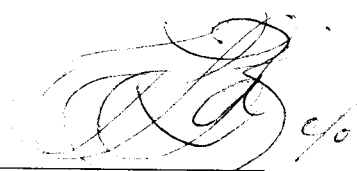
5. In addition to the foregoing, in Annex 1 to the Defence Disclosure, witness number 40 on the list was indicated with the pseudonym DBK-110. Due to administrative reasons, this witness’s pseudonym needs to be changed to DBK-088.

III CONCLUSION


6. For these reasons, the Defence respectfully requests the honorable Trial Chamber to apply and extend to *mutatis mutandis* the protective measures as set out in the Decision on Protective Measures to Witness DBK-088.

Respectfully submitted,


On 18 May 2006



Geert-Jan Alexander Knoops



Kojo Graham



Andrew Daniels

TABLE OF AUTHORITIES

- *Prosecutor v. Brima, Kamara and Kanu*, Public Joint Defence Application for Protective Measures for Defence Witnesses, 25 April 2006, Case No. SCSL-2004-16-T-476.
- *Prosecutor v. Brima, Kamara and Kanu*, Decision on Joint Defence Application for Protective Measures for Defence Witnesses, 9 May 2006, Case No. SCSL-2004-16-T-488.
- *Prosecutor v. Brima, Kamara and Kanu*, Confidential Joint Defence Disclosure Pursuant to Trial Chamber Order of 26 April 2006, 10 May 2006, Case No. SCSL-2004-16-T-490.
- *Prosecutor v. Brima, Kamara and Kanu*, Transcript 17 May 2006; relevant part: p. 5 (lines 24-28).