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SCSL-03-01-T
(30196-30227)

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THE SPECIAL COURT FOR SIERRA LEONE

Trial Chamber II

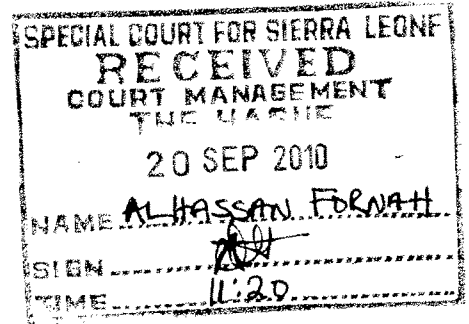
Before: Justice Julia Sebutinde, Presiding
Justice Richard Lussick,
Justice Teresa Doherty,
Justice El Hadji Malick Sow, Alternate

Registrar: Ms. Binta Mansaray

Date: 20 September 2010

Case No.: SCSL-03-01-T

THE PROSECUTOR
-v-
CHARLES GHANKAY TAYLOR



PUBLIC WITH ANNEXES A-D

**DEFENCE MOTION FOR ADMISSION OF DOCUMENTS PURSUANT TO RULE 92bis –
CONTEMPORANEOUS DOCUMENTATION**

Office of the Prosecutor:

Ms. Brenda J. Hollis

Counsel for the Accused:

Mr. Courtenay Griffiths, Q.C.

Mr. Terry Munyard

Mr. Morris Anyah

Mr. Silas Chekera

Mr. James Supuwood

I. INTRODUCTION

1. The Defence seeks admission of four documents relating to various aspects of the case, pursuant to Rule 92*bis* of the Rules of Procedure and Evidence of the Special Court for Sierra Leone (“Rules”).
2. These documents are contemporaneous records and are relevant in that they support evidence given by Defence witnesses and/or affect the credibility of the Prosecution case. The five documents are annexed to this Motion and include:
 - a. **Annex A** – Letter from Alimamy Pallo Bangura, Secretary of State for Foreign Affairs, to Col A K Sesay, Secretary-General of the AFRC, dated 13 October 1997 and the attached “Report of the AFRC Delegation to Guinea, Cote d’Ivoire, Togo, Burkina Faso, and Niger: 23rd August to September 26, 1997”;¹
 - b. **Annex B** – Letter from Gibril Massakhoi [*sic*], RUF Spokesman, to His Excellency Olusegun Obasanjo, President of the Federal Republic of Nigeria, dated 4 October 2000;²
 - c. **Annex C** – Standard Times article, titled “Prosecution Witness [Abu Keita] May Take Legal Suit Against Special Court...Breach of Agreement”, dated 29 September 2009;³ and
 - d. **Annex D** – Letter from Brigadier General David LM Bropleh to Acting CDS at DHQ, dated 30 November 2000.⁴
3. As the Defence do not intend to call any further witnesses to testify in relation to these documents, the Defence seeks admission of them in lieu of oral testimony. Furthermore, the documents’ reliability is susceptible of confirmation, the content of the documents do not go to proof of the acts and conduct of the Accused, and the documents are not opinion evidence. Thus the four documents are admissible under Rule 92*bis*.

II. APPLICABLE LAW

4. Rule 92*bis* states:
 - (A) In addition to the provision of Rule 92*ter*, a Chamber may, in lieu of oral testimony, admit as evidence in whole or in part, information

¹ Disclosed to the Defence by the Prosecution as ERN numbers 00022896-00022906.

² Disclosed to the Defence by the Prosecution as ERN numbers 00026024-00026025.

³ Obtained through Defence investigations in Freetown.

⁴ Obtained through Defence investigations in Freetown.

- including written statements and transcripts, that do not go to proof of the acts and conduct of the accused.
- (B) The information submitted may be received in evidence if, in the view of the Trial Chamber, it is relevant to the purpose for which it is submitted and if its reliability is susceptible of confirmation.
- (C) A party wishing to submit information as evidence shall give 10 days notice to the opposing party. Objections, if any, must be submitted within 5 days.
5. Trial Chamber II has further ruled that the purpose of Rule 92bis is to permit the reception of information—assertions of fact (but not opinion) including, but not limited to, written statements and transcripts that do not go to proof of the acts and conduct of the accused—if such facts are relevant and their reliability is “susceptible to confirmation.”⁵ However, the reliability of a document is not a bar to admission; information may still be admitted where it is capable of corroboration in due course.⁶
6. The Defence, at this point in time, is only required to show that the reliability of the evidence is susceptible to confirmation and does not have to prove the evidence is actually reliable.⁷ The Appeals Chamber in *Norman et al* has further interpreted that “susceptible of confirmation” does not require proof of reliability before admission, but does require that the information is capable of corroboration in due course.⁸ This Trial Chamber has noted that reliability is to be assessed at

⁵ *Prosecutor v. Taylor*, SCSL-03-01-T-556, Decision on Prosecution Notice Under Rule 92bis for the Admission of Evidence Related to *Inter Alia* Kenema District and on Prosecution Notice Under Rule 92bis for the Admission of the Prior Testimony of TF1-036 Into Evidence, 15 July 2008, page 4.

⁶ *Prosecutor v. Norman et al.*, SCSL-2004-14-AR73, Fofana – Decision on Appeal against ‘Decision on Prosecution’s Motion for Judicial Notice and Admission of Evidence’, 16 May 2005, para. 26 (“**Fofana Admissibility Decision**”). In the AFRC trial, the Trial Chamber stated that “evidence may be excluded because it is unreliable, but it is not necessary to demonstrate the reliability of the evidence before it is admitted.” See *Prosecutor v. Brima et al.*, SCSL-04-16-T, Decision on Prosecution Tender for Admission into Evidence of Information Contained in Notice Pursuant to Rule 92bis, 18 November 2005, page 2, citing *Prosecutor v. Brima et al.*, SCSL-04-16-T, “Decision on Joint Defence Application for Leave to Appeal from Decision n Defence Motion to Exclude All Evidence from Witness TF1-277”, 2 August 2005, para. 6. In the same AFRC trial, the Trial Chamber considered the reliability of the evidence to be considered at the end of the trial and be evaluated and weighed as a whole, taking into account the context and nature of the evidence as well as the credibility and reliability of the evidence See: *Prosecutor v. Brima et al.*, SCSL-04-16-T, Decision on Prosecution Tender for Admission into Evidence of Information Contained in Notice Pursuant to Rule 92bis, 18 November 2005, page 2. See also *Prosecutor v. Norman et al.*, SCSL-04-14-T-447, Decision on Prosecution’s Request to Admit into Evidence Certain Documents Pursuant to Rule 92bis and 89(C), 14 July 2005, p. 3.

⁷ Fofana Admissibility Decision, para. 27.

⁸ Fofana Admissibility Decision, para. 26.

the end of the trial, in light of the totality of the evidence presented at trial, and what weight, if any, should be attached to it.⁹

7. Rule 92bis explicitly excludes written statements or transcripts which go to proof of the acts and conduct of the Accused.¹⁰
8. The Appeals Chamber has ruled that any information not going to proof of the acts and conduct of the accused which is *not tendered through a witness* [emphasis added] should be submitted under Rule 92bis.¹¹ Furthermore, the Appeals Chamber has found that by its express terms Rule 92bis applies to information tendered “*in lieu of oral testimony*” and the information to be admitted is *not restricted to written statements or transcripts* [emphasis added].¹²

III. SUBMISSIONS

9. These four documents, as contemporaneous records of events relating to aspects of the case, are all susceptible of confirmation when compared to related evidence on record, and in consideration of various indicia of reliability on the face of the documents themselves. Each document’s relevance and other aspects going to admissibility are discussed in turn below.

Annex A – October 1997 Report of the AFRC Delegation

10. Attached to the cover letter dated 13 October 1997 from Pallo Bangura to Col A K Sesay, who was Secretary-General of the AFRC, is a Report by Pallo Bangura of the AFRC Delegation the Republics of Guinea, Cote d’Ivoire, Togo, Burkina

⁹ *Prosecutor v. Taylor*, SCSL-03-01-750, Decision on Prosecution Motion for Admission of Newspaper Articles Obtained from the Catholic Justice and Peace Commission Archive in Monrovia, Liberia, 27 February 2009, para. 27.

¹⁰ There is a distinction between “the acts and conduct of those others who commit the crimes for which the Indictment alleges that the accused is individually responsible” and “the acts and conduct of the accused as charged in the Indictment which establish his responsibility for the acts and conduct of others;” and that only written statements which go to proof of the latter are excluded by Rule 92bis. See: *Prosecutor v. Galic*, IT-98-29-AR73.2, “Decision on Interlocutory Appeal Concerning Rule 92bis(C)”, 8 June 2002, para. 9. See also *Prosecutor v. Sesay et al.*, SCSL-04-15-1049, Decision on Defence Application for the Admission of the Witness Statement of DIS-192 Under Rule 92bis or, in the alternative, Under Rule 92ter, 12 March 2008, p.2-3; See also *Prosecutor v. Galic*, IT-98-29-AR73.2, “Decision on Interlocutory Appeal Concerning Rule 92bis(C)”, 8 June 2002, para. 9.

¹¹ *Prosecutor v. Taylor*, SCSL-03-01-721 Decision on ‘Prosecution Notice of Appeal and Submissions Concerning the Decision Regarding the Tender of Documents’, 6 February 2009, para. 34.

¹² *Prosecutor v. Taylor*, SCSL-03-01-721, paras. 30-31. Subsequent to the Appeals Chamber Decision, Trial Chamber II found that: “The effect of Rule 92bis is to permit the reception of information-assertions of fact (but not opinion) including, but not limited to, written statements and transcripts that do not go to proof of the acts and conduct of the accused- if such facts are relevant and their reliability is “susceptible of confirmation”; proof of reliability is not a condition of admission: all that is required is that the information should be capable of corroboration in due course.”

Faso, and Niger in August and September 1997. The cover letter is on official Government of Sierra Leone letterhead and both the cover letter and the Report bear Pallo Bangura's signature. The Report details the success of an AFRC delegation authorized by Major Johnny Paul Koroma, who was Chairman of the AFRC at the time, to travel to Guinea, Ivory Coast, Togo, Burkina Faso, and Niger, in order to solicit support for the AFRC regime, following the 25 May 1997 military take-over.

11. The Defence submits that the political overtures of the AFRC regime to these West African countries is relevant in that it shows a fledgling government looking for support from countries other than Liberia. The summary of the delegation's meetings in Burkina Faso is especially relevant in that it describes the circumstances under which it was received by Ibrahim Bah, of the People's Army, and the "No. 2 man in the State, Col. Gilbert Diendere, the Defence Chief of Staff of Burkina Faso". The role of Diendere and/or his connection to Ibrahim Bah was discussed by several Defence witnesses,¹³ including Mr. Taylor.¹⁴ This Report is further evidence that the AFRC had independent links to Ibrahim Bah and Gilbert Diendere in Burkina Faso, without the assistance or intervention of Mr. Taylor.
12. The timing of this delegation's trip to Burkina Faso in September 1997 is especially relevant given the Prosecution's theory that it was Mr. Taylor who arranged the shipment of arms from Burkina Faso that was delivered to the Sierra Leone Junta at the Magburaka airfield in October 1997.¹⁵ The Defence disputes this theory, and the Report at Annex A illustrates that the AFRC had its own representatives in Burkina Faso meeting with the Chief of Defence Staff in September 1997.

¹³ See, for example, **Testimony of Fayia Musa**, *Prosecutor v. Taylor*, SCSL-03-01-T, 14 April 2010, p. 39035 and 20 April 2010, p. 39462-3; **Testimony of Issa Sesay**, *Prosecutor v. Taylor*, SCSL-03-01-T, 7 July 2010, numerous references but see especially p. 43859 which links Ibrahim Bah and Diendere (as does Sesay's Testimony of 27 August 2010, p. 47349).

¹⁴ See, for example, **Testimony of Charles Taylor**, *Prosecutor v. Taylor*, SCSL-03-01-T, 25 August 2009, p. 27668 and 28 January 2009, p. 34430 (in relation to Exhibit P-18, Panel of Experts Report on Sierra Leone, 6 October 2000); 5 November 2009, p. 31225 (in relation to Exhibit P-272, one of the Talibi Letters);

¹⁵ *Prosecutor v. Taylor*, SCSL-03-01-T-961, Prosecution Motion for the Issuance of a Subpoena to Naomi Campbell, 20 May 2010, para. 13 and FN 15, citing *Prosecutor v. Taylor*, Trial Transcript, 14 January 2010, p. 33344-5 (note that this allegation was deemed sufficient enough to allow the Prosecution to reopen its case and resulted in the Court issuing a subpoena to Naomi Campbell to testify).

13. Furthermore, the Report at page 5 suggests that the Nigerians and Sierra Leoneans had “long-standing relations” in the diamond mining areas of Sierra Leone, which is a point raised by several Defence witnesses.¹⁶

Annex B – October 2000 Letter from RUF to Obasanjo

14. The letter from the RUF Spokesman to President Obasanjo of Nigeria dated 4 October 2000 is relevant in that it is contemporaneous documentation of the RUF requesting from President Obasanjo the satellite phones as promised by him during a meeting in Monrovia, for use by the Spokesman (Gibril Massaquoi) and Brigadier Issa Sesay in order to be in communication with the ECOWAS leaders. The Spokesman suggested that the phones could be sent to the RUF through “Liberia President Taylor for onward delivery to us”. This comports with the testimony given by Issa Sesay on 8 July 2010 that during his first meeting with the ECOWAS leaders in Monrovia, he told them that he needed a satellite phone and that Obasanjo had replied that “...whatever he needs we will provide for him, we will give that to him, in respect of the job that we have given him to do”. Sesay then testified that he was subsequently given a satellite phone through Mr. Taylor in November 2000.¹⁷
15. The document also makes mention of the RUF contact with General Garba, who was referred to during Mr. Taylor’s testimony as the ECOMOG Deputy Force Commander during the peace process.¹⁸
16. Although Mr. Taylor is mentioned in the letter at Annex B, there is no indication that he, the Accused, acted or conducted himself in a certain way, thus there should be no bar to admission of this document under the criteria in Rule 92bis.

Annex C – Standard Times interview with Abu Keita

17. The Standard Times article dated 29 September 2009 is written by Unissa Bangura and details an interview with Abu Keita, Prosecution Witness TF1-276. According to the author, Abu Keita was promised that he would be protected and relocated to a country of his choice if he agreed to give testimony against Mr.

¹⁶ See, for example, **Testimony of Charles Taylor**, *Prosecutor v. Taylor*, SCSL-03-01-T, 20 August 2009, p. 27282; **Testimony of DCT-190**, 7 June 2010, p. 42259-60.

¹⁷ *Prosecutor v. Taylor*, SCSL-03-01-T, 8 July 2010, p. 44042-3.

¹⁸ *Prosecutor v. Taylor*, SCSL-03-01-T, 20 August 2010, p. 27281. See also **Testimony of Issa Sesay**, 27 July 2010, p. 44725 and 23 August 2010, p. 46876 et seq; and **Testimony of Isaac Mongor**, 31 March 2008, p. 6176.

Taylor. Abu Keita told the writer that he had “made an agreement...to act as one of the witnesses” in exchange for being relocated to a country where he would feel safe, after which he was taken to Sierra Leone to give additional statements. Abu Keita further told the writer that he was “under the employment of the Court up to this stage”. Abu Keita was grumbling because the Special Court had failed to keep its side of the bargain.

18. The Defence submits that this article is relevant for two reasons. First, the letter is significant in that it gives the court insight into Abu Keita's motivation for testifying against Mr. Taylor -- a promise of relocation. This should assist the court in assessing the credibility of Abu Keita's testimony. The Defence submits that the prospects of relocation in the absence of any true danger necessitating such drastic security measures would have motivated Abu Keita into testifying in a manner favourable to the Prosecution rather than telling the truth. The Trial Chamber will recall that Abu Keita testified openly without any protective measures.
19. Secondly, the article corroborates evidence given by Defence Witness Issa Sesay on 6 August 2010, wherein he testified that he remembered reading an article while in Detention in Sierra Leone in 2009 in which Abu Keita was threatening to take the Prosecution to court if it did not fulfil its promises to him.¹⁹ Thus, the article will also allow the Trial Chamber to more fully assess the credibility of Issa Sesay.

Annex D – November 2000 Letter from Bropleh regarding formation of STF

20. The Defence notes that the Trial Chamber recently admitted eleven documents relating to the Special Task Force (“STF”) into evidence under Rule 92bis.²⁰ The Defence submits that this additional STF Document likewise develops the evidence already on record about the STF and explains the presence and allegiance of “Liberian fighters” in Sierra Leone during the Indictment period.²¹
21. The Letter from Bropleh to the Acting Chief of Defence Staff at Defence Headquarters, dated 30 November 2000, thanks the Acting CDS for supporting

¹⁹ *Prosecutor v. Taylor*, SCSL-03-01-T, 6 August 2010, p. 45624 et seq.

²⁰ *Prosecutor v. Taylor*, SCSL-03-01-T-1079, Decision on Defence Motion for Admission of Documents Pursuant to Rule 92bis – Special Task Force, 17 September 2010.

²¹ See, *Prosecutor v. Taylor*, SCSL-03-01-T-1071, Public with Annexes A-J and Confidential Annexes K-L Defence Motion for Admission of Documents Pursuant to Rule 92bis – Special Task Force, 9 September 2010. The Defence incorporates all relevant arguments made therein.

the inclusion of the STF in the “AFRSL family”. Bropleh also lays out the seven conditions set by the Government of Sierra Leone before the STF personnel could be recruited. Those conditions included denouncing ULIMO, the automatic acceptance of Liberians as members of the Sierra Leone Army, and the acceptance by the STF of the “scanty salary scale and all benefits”. Furthermore, the employment of the STF by the SLA was to be a permanent employment, “considering the years they have spent in service from 1991”. The letter goes on to list various personnel within the Sierra Leonean Government who can attest to the history and facts surrounding the work of the STF and their numerous achievements.

IV. CONCLUSION

22. For the reasons stated above, the Defence respectfully requests the Trial Chamber, in exercising its discretion, to admit into evidence, pursuant to Rule 92*bis*, the contemporaneous documentary materials in Annexes A-D of this motion.

Respectfully Submitted,



for **Courtenay Griffiths, Q.C.**
Lead Counsel for Charles G. Taylor
Dated this 20th Day of September 2010
The Hague, The Netherlands

TABLE OF AUTHORITIES

Prosecutor v. Taylor

Prosecutor v. Taylor, SCSL-03-01-T-1079, Decision on Defence Motion for Admission of Documents Pursuant to Rule 92*bis* – Special Task Force, 17 September 2010

Prosecutor v. Taylor, SCSL-03-01-T-1071, Public with Annexes A-J and Confidential Annexes K-L Defence Motion for Admission of Documents Pursuant to Rule 92*bis* – Special Task Force, 9 September 2010

Prosecutor v. Taylor, SCSL-03-01-T-961, Prosecution Motion for the Issuance of a Subpoena to Naomi Campbell, 20 May 2010

Prosecutor v. Taylor, SCSL-03-01-T-556, “Decision on Prosecution Notice Under Rule 92*bis* for the Admission of Evidence Related to *Inter Alia* Kenema District and on Prosecution Notice Under Rule 92*bis* for the Admission of the Prior Testimony of TF1-036 Into Evidence”, 15 July 2008

Prosecutor v. Taylor, SCSL-03-01-721, “Decision on ‘Prosecution Notice of Appeal and Submissions Concerning the Decision Regarding the Tender of Documents’”, 6 February 2009

Prosecutor v. Taylor, SCSL-03-01-750, “Decision on Prosecution Motion for Admission of Newspaper Articles Obtained from the Catholic Justice and Peace Commission Archive in Monrovia, Liberia”, 27 February 2009

CDF

Prosecutor v. Norman et al., SCSL-2004-14-AR73, Fofana – Decision on Appeal against ‘Decision on Prosecution’s Motion for Judicial Notice and Admission of Evidence’, 16 May 2005

Prosecutor v. Norman et al., SCSL-04-14-T-447, Decision on Prosecution’s Request to Admit into Evidence Certain Documents Pursuant to Rule 92*bis* and 89(C), 14 July 2005

AFRC

Prosecutor v. Brima et al., SCSL-04-16-T, Decision on Joint Defence Application for Leave to Appeal from Decision n Defence Motion to Exclude All Evidence from Witness TF1-277, 2 August 2005

Prosecutor v. Brima et al., SCSL-04-16-T, Decision on Prosecution Tender for Admission into Evidence of Information Contained in Notice Pursuant to Rule 92*bis*”, 18 November 2005

RUF

Prosecutor v. Sesay et al., SCSL-04-15-1049, Decision on Defence Application for the Admission of the Witness Statement of DIS-192 Under Rule 92*bis* or, in the alternative, Under Rule 92*ter*, 12 March 2008

ICTY

Prosecutor v. Galic, IT-98-29-AR73.2, Decision on Interlocutory Appeal Concerning Rule 92*bis*(C), 7 June 2002.

[http://sim.law.uu.nl/sim/caselaw/tribunalen.nsf/eea9364f4188dcc0c12571b500379d39/a2755cfb491f7363c12571fe004be529/\\$FILE/Galic%20ACD%207-06-2002.pdf](http://sim.law.uu.nl/sim/caselaw/tribunalen.nsf/eea9364f4188dcc0c12571b500379d39/a2755cfb491f7363c12571fe004be529/$FILE/Galic%20ACD%207-06-2002.pdf)

Annex A



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*The Ministry of Foreign Affairs
Freetown, Republic of Sierra Leone*

13th October 1997

Col A K Sesay
Secretary-General of the
Armed Forces Revolutionary Council (AFRC)
State House
FREETOWN

Dear Secretary-General,

REPORT ON THE GOODWILL DELEGATION TO THE REPUBLICS OF
GUINEA, COTE D'IVOIRE, TOGO, BURKINA FASO AND NIGER
23RD AUGUST - 26TH SEPTEMBER 1997

Kindly find attached hereto, a copy of the Report of my
delegation regarding the above subject.

I shall be grateful if you could share it with Members of
the Supreme Council of State for information and any other
action that Council may deem appropriate.

Yours faithfully,

ALIMAMY PALLO BANGURA
Secretary of State for Foreign Affairs

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Your Excellency,

**REPORT OF THE AFRC DELEGATION
TO GUINEA, COTE D'IVOIRE, TOGO, BURKINA FASO
AND NIGER : 23rd August to September 26., 1997.**

1. A special delegation authorised by H.E. Major JOHNNY PAUL KOROMA, Chairman of the AFRC and Head of State, left Freetown on Saturday, August 23rd 1997, to visit the above-mentioned countries. Initially the ports of call did not include Niamey, Republic of Niger. However, repeated urgings to include this latter country almost everywhere we landed compelled us to make Niamey the last station in our current itinerary. Indeed, once there, our experience in Niger vindicated absolutely all the admonitions proffered to us earlier by persons of goodwill.

2. The delegation was led by Mr. Alimamy Pallo Bangura, Secretary of State, Ministry of Foreign Affairs, with the following other members

- (ii) Mr. S.Y.B. Rogers, Secretary of State : Ministry of Lands, Housing and the Environment
- (iii) Alhaj M.B. Sallu, Director General, Ministry of Foreign Affairs
- (iv) Lt-Col. J.A.S. Conteh, Director of Administration, Defence Headquarters
- (v) Mr. Sheikh Ibrahim Fofana, Honorary Consul-General of Sierra Leone in Abidjan, Cote d'Ivoire
- (vi) General Ibrahim Bah of the People's Army (who joined the delegation from Ouagadougou) - Adviser.

3. Throughout its travels, the central objectives of the delegation were as follows :

- (i) to explain as concisely and clearly as possible to Governments visited and concerned individuals met, the reasons behind the May 25 Military take-over so that they could be better understood ;

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- (ii) to blunt whatever harsh actions that were being contemplated by the then ECOWAS Summit scheduled to take place in Abuja, Nigeria ;
- (iii) to help in making the international environment less hostile to the AFRC ;
- (iv) to make as many new friends as possible for the AFRC ;
- (v) to explore ways of restoring the suspended negotiations with the Committee of Four (now Five).

4. In pursuit of the above objectives, the delegation was able to meet the highest State officials and influential individuals in all the countries visited :

a) Republic of Guinea :

- the Chief Political Adviser to President Conté, Mr. Nabi Youla,
- the Chief of Security to President Conte, Mr. Camara,
- the Chief of the Presidential Security Force, Mr. Camara,
- the State Chief of Protocol, Mr. Bangura.

Here, our stay was largely taken up by the proposed visit of H.E. the Chairman, Major Johnny Paul Koroma, to Conakry which did not materialise due to unforeseen circumstances in Freetown.

On the surface of things, the Guineans appeared greatly disappointed that the visit fell through at the very last minute even though a high-level delegation had gone to Freetown to fetch the Chairman.

The Guineans nevertheless maintained that inspite of the failure on the part of Chairman Koroma to be in Conakry, they would continue to stand by the AFRC, given the close links between our two countries.

They continued to emphasise, however, that all efforts must be made to make possible Chairman Koroma's visit a reality in the nearest future. The Guineans considered such a visit essential to the effective handling of the Sierra Leone case by General Lansana Conte.

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b) La Côte d'Ivoire :

(i) The Head of State, President Henri Konan Bedié, was taking a rest in Yamoussoukro after hosting two successive state visits by his colleagues from Nigeria and Ghana.

(ii) The Foreign Minister, Mr. Amara Essy, too, had left Abidjan before the delegation's arrival. He was to represent President Bedié at the Abuja ECOWAS Summit.

(iii) Nevertheless, it was arranged for Mr. Essy's Directeur de Cabinet, Ambassador C. Claude Beke Dassys, to receive our message from S.O.S. Bangura at the Hotel Ivoire. On the instruction of Mr. Essy, the message was to be transmitted to him in Abuja immediately upon receipt. That was done and subsequently, the S.O.S. was able to talk on the phone with Mr. Amara Essy, both from Abidjan and from Lomé.

c) The Republic of Togo :

(i) The delegation was warmly received by President Gnassingbe Eyadema, the Togolese Head of State. Such was his sympathy, understanding and cooperation that he immediately promised to talk to President Abacha on his arrival in Abuja and to President Mathieu Kerekou of Benin, who was travelling on President Eyadema's plane to Abuja that same day.

(ii) The Togolese Minister of Foreign Affairs paid a courtesy visit on the delegation at the Hotel Deux Fevrier and later led the delegation to President Eyadema.

(iii) On advice from persons of goodwill, S.O.S. Bangura, assisted by Col. J.A.S. Conteh paid a visit on a one-time Minister of Government, Mr. Voulet Fretiti, who is said to be a close confidant of President Eyadema. Mr. Voulet was thoroughly briefed by SOS Bangura on our situation. He understood and sympathised with our case and promised to stay in contact with President Eyadema about it.

d) The Republic of Burkina Faso :

(i) The delegation was given a warm and excellent reception. General Ibrahim Bah, of the People's Army, who is resident in Ouagadougou, also helped considerably to smoothen that reception. In the absence of the Head of State and the Foreign Minister, who were still

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in Abuja, the delegation was received by the No.2 man in the State, Col. Gilbert Diendéré, the Defence Chief of Staff of Burkina Faso. He heard our case with much sympathy and understanding and reiterated his country's readiness to help us at all times. He only regretted the geographical separation of our two countries which sometimes made easy reach difficult. He promised to transmit our message to President Compaoré as soon as he was back in Ouagadougou.

(ii) While in Ouagadougou, the delegation was fortunate to meet Mr. Laurent Gbagbo, the prominent Ivorian Opposition Leader. He was extensively briefed on our situation and given a write-up on the circumstances leading to the May 25 Coup.

(iii) It was also while in Ouagadougou that the delegation seriously focused its attention on the idea of going to the Republic of Niger. As God would have it, through the efforts of General Ibrahim Bah, the delegation was able to meet Mr. J.P. Maurice, a French citizen and his associate, Mr. Idé Issaka, a Nigerien, both long time friends of the RUF. Mr. Issaka, who was returning to Niamey the very day we met him, was told about our intention to pay a visit on his President, General Ibrahim Maïnassara Baré. He promised to make a move in that direction as soon as he arrived in Niamey.

e) The Republic of Niger :

(i) As soon as our intention to pay him a visit was communicated to President Baré, he first sent to us in Ouagadougou a two-man delegation comprising his Military Adviser, Colonel Moussa Gros, and his Personal Physician, Col. Dr. Tchiany Oumarou, to sound us out.

(ii) We held a briefing session with the two emissaries in the suite of Colonel Moussa Gros in the presence of Col. Diendere of Burkina Faso. SOS Bangura carefully outlined the circumstances leading to the May 25 Military take-over in Sierra Leone and the efforts being made to get us out of the condemnation heaped upon the AFRC regime. From their reaction, it was clear that the two Envoys from Niamey understood and sympathised with our case. The next morning we were informed that President Maïnassara Baré had given the OK for our visit to Niamey. The delegation travelled on the same military plane that had taken the two Envoys from Niamey to Ouagadougou.

(iii) On arrival at the Niamey military airbase on September 2nd, 1997, our delegation was received by the Nigerien Minister of Defence, Mr. Issoufou Ousmane Oubandawaki.

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(iv) As soon as we arrived at the Villa Verte Lodge, formerly the official Residence of the Prime Minister, the Minister of Foreign Affairs, Mr. Ibrahim Assane Mayaki, paid us a courtesy visit and informed us that President Maïnassara Baré would receive us at State House at 15 : 30 i.e. only about two hours after our arrival !

(v) As our delegation was preparing to move over to the President's office to meet him, the President called on us instead without any protocol ! The President's Directeur de Cabinet, Minister Sani Bako, the Foreign Minister, Mr. Mayaki, and the Military Adviser, Colonel Moussa Gros who had called upon us for preliminary briefing were as surprised as we were. The President cut short the briefing and asked his high state officials to leave us alone. A second visit was to be paid on us in due course in the same style by the President.

(v) Taking advantage of the tête-à-tête situation offered us by the President, a very fruitful exchange ensued between him and the delegation. S.O.S. Bangura explained in full the circumstances leading to the May 25 Coup and the President left no doubt that he understood our case. S.O.S. Rogers too did not fail to recall the long-standing relations existing between Sierra Leone and Nigeriens, especially in the Diamond Mining areas of Sierra Leone.

(vi) Reminding us that he too had gone through a similar experience, President Maïnassara Baré said he fully understood our case and promised there and then to do something towards the resolution of our problem. The desire to do something to get us out of the present impasse remained steadfast in him from September 2nd, the date of our arrival, to September 23rd when he finally got the OK to personally go to Abuja to take up our case with President Abacha.

(vii) Returning from Abuja, he sent his Directeur de Cabinet, Minister Sani Bako, to convey to us the outcome of his mission which was as follows :

- that President Abacha felt offended by the tone of a certain correspondence which Chairman J.P. Koroma had addressed to him (President Abacha) ;

- however, inspite of the above, President Abacha promised to instruct his Foreign Minister, Chief Tom Ikimi, to cause the Negotiations between Sierra Leone and the Committee of 5 to commence within the shortest possible time.

00022902

(In a brief remark on the first point, S.O.S. Bangura explained to Minister Bako that it was not customary for Chairman Koroma to send offensive letters to other Heads of State. Precisely on the issue of offensive language to others, S.O.S. Bangura drew Minister Bako's attention to the kind of correspondence received recently from the Charge d'Affaires of Nigeria in Niamey. As one who has led Sierra Leone's delegation twice to the Peace Talks with the Committee of Four, S.O.S. Bangura did not fail to recall the uncomplimentary language addressed to him and his delegation by Chief Tom Ikimi of Nigeria. While regretting that such an unpleasant issue could be brought to the attention of President Maïnassara, S.O.S. Bangura stressed that what was important for all of us in the sub-region was to eschew all such minor issues and work for the higher interest of our West African Community.

He therefore welcomed Nigeria's offer to get the Negotiations started and promised to convey that information to Chairman J.P. Koroma immediately).

(viii) Concerning an earlier request made to President Maïnassara, he let us know that he was going to Tripoli, Libya, on Thursday September 25, and that he was willing to take along our two-man delegation on board his aircraft. Our delegation would return on the same plane by Saturday 27 September at the latest.

5. With particular reference to our visit to Niger, the delegation would like to draw Your Excellency's kind attention to the following :

(i) Never has any Head of State other than President Maïnassara Baré taken up our case so doggedly. He was determined to see that some progress was made in the pursuit of the Negotiations before we left Niamey.

(ii) This determination to have our delegation part with « something » to Freetown explains our long stay in Niamey. For the Nigeriens, our stay was immaterial vis-à-vis the efforts which their President was making to help us ; that was why his Directeur de Cabinet (Minister for Presidential Affairs, lets say) was assigned our case, not even the Minister of Foreign Affairs !

(iii) He, the President, had to personally go to Abuja to meet President Abacha on our behalf. He had even initially contemplated a meeting between our delegation and the latter, but was dissuaded by Colonel Gadaffi.

00022903

(iv) If we are now hopefully scheduled to leave Niamey after the return of Colonel J.A.S. Conteh and General Bah from Tripoli over this week-end, it is because the President of Niger has attained the limited objective which he set himself since our arrival here. S.O.S. Bangura thanked him profusely on behalf of our delegation and on behalf of the AFRC for all his efforts inspite of the serious problems which Niger too has (rebel attacks, a virulent Opposition, strikes, etc).

Sierra Leone should be eternally grateful to Niger for this.

OTHER DIPLOMATIC MOVES BY THE DELEGATION

(i) Throughout its travels, the delegation made contacts, some rather official, some private, to promote the cause of the AFRC. Hence :

- In Abidjan - the delegation met with the American Chargé d'Affaires, Mr. David C. Bennet ; even though the Americans were still blindly obsessed with the issue of returning Kabba to power, yet dialogue between the AFRC and a powerful country like the US should always be kept open.

- Fruitful business contacts were also held with an influential business man called Keita. He is interested in doing business with Sierra Leone as soon as the situation permits.

- In Lome : the delegation was able to establish contact with a former Minister of Government said to be influential with President Eyadema.

- Business contacts were also made in Lome with persons who are willing to connect us with people who may be able to help us out. Addresses of influential people in the Golf area have been taken for further action as soon as we return to Freetown.

- In Niamey : the AFRC's raison d'être and its concern with hostile Nigerian Military action in Sierra Leone were explained to the Chargé d'Affaires of France and the Chargé d'Affaires of Libya. They both promised to convey our concerns to their capitals. We believe that it was the first attempt on the part of the AFRC to explain « things » to France, an influential member of the European Union and of the Security Council of the United Nations.

00022904

POLITICAL MOVES BY THE DELEGATION.

(i) The meeting with the Opposition Leader in the Côte d'Ivoire, Mr. Laurent Gbagbo, has been mentioned above. Recent newspaper publications in Abidjan on the Sierra Leone situation and the noises now being made by Opposition leaders in Conakry may not be unconnected with moves being made by Mr. Gbagbo to help us, as indeed he had promised.

(ii) Our prolonged stay in Niamey did not permit contacts with NADECO, the leading Opposition Group in Nigeria. We should have met with them in Abidjan.

(iii) It should however be borne in mind that these are all extremely delicate contacts which must be handled with great care.

(iv) Mr. Gbagbo is prepared to send a friendly team of Journalists to help us out if appropriate arrangements could be made to receive them in Freetown.

PIECES OF ADVICE RECEIVED BY THE DELEGATION
ON BEHALF OF THE AFRC

(i) The AFRC should not underestimate the difficulty of having the international Community understand the May 25 events and to accept the AFRC in this era of so-called Democracy.

(ii) The AFRC should therefore be steadfast and be patient as it tries to reach out to members of the international Community. As Presidents Eyadema and Mainassara pointed out, recognition and acceptance will eventually come, but the AFRC must work hard to get them. President Eyadema reminded us of his experience when the OAU was formed in 1963 - his new military Government was not allowed to take its seat in the new continental Organisation !

President Mainassara also reminded us that upto now, he is still having problems with some western countries, simply because of the manner in which his Government first came to power.

00022905

The Foreign Minister of Niger reminded us of how he and his delegations have had to travel hundreds of thousands of kilometers just to explain the situation in their country!

Mr. Laurent Gbagbo drew our attention to the OAU Summit in Burkina Faso next year. We should work hard from now on to ensure that the hasty decisions taken against the AFRC in Harare this year are reversed at that Summit.

All these leaders stressed that no sacrifice is big enough in trying to ensure that the regime survives.

RESULTS ACHIEVED BY THE DELEGATION

(i) In its quiet way, it was able to avert the worst in Abuja where Nigeria was leading a crusade for the acceptance of the use of military force in Sierra Leone to oust the AFRC Government.

(ii) With the timely use of all the friendly linkages with Côte d'Ivoire, Togo, Ghana, Burkina Faso, Benin, it was possible to frustrate the evil intentions of Nigeria.

(iii) Even from Niamey, S.O.S. Bangura has continued to stay in touch with various people, including Mr. Amara Essy, to influence what may happen at the UN Security Council. So far already, the delegation has been informed that Council is discarding the use of force in the solution of our problem.

(iv) The delegation was able to win new sincere friends for Sierra Leone and reinforce old friendships. Niger and Togo are new friends we can rely on. Côte d'Ivoire, Burkina Faso, Ghana are steadfast old friends.

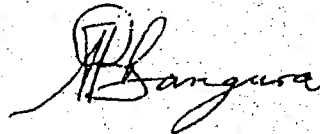
THE WORK AHEAD

1. To ensure the survival of the regime.
2. To mobilize the population towards the attainment of a national consensus.

00022906

3. To make the necessary sacrifices in order to render the international environment less hostile.
4. To continue to be open to dialogue as a way of solving our problem, taking into account all the necessary strands of the problem.

Respectfully submitted.



ALIMAMY PALLO BANGURA,
S.O.S. Foreign Affairs
On behalf of Delegation.

Niamey, 26 September, 1997.

Annex B

30219



00026024

REVOLUTIONARY UNITED FRONT PARTY.

SIERRA LEONE

**HEADQUARTERS
MAKENI.**

**His Excellency
President Olusegun Obasanjo,
Federal Republic of Nigeria.**

His Excellency,

REMINDER.

As per our last discussion in Monrovia, His excellency would recall the promise to send us two satellite phones, one for me and one for Brigadier Issa Sesay for daily communication with you and other ECOWAS leaders. We are yet to receive the Phones as promised and this is the reason why there is no direct communication between us and your good self as well as other ECOWAS leaders.

His Excellency, we are reminding you so that these items could be sent to us through your brother in Liberia President Taylor for onward delivery to us. There are so many issues we want to put across to you directly but we could not do so due to lack of the Satellite Phones. We should also appreciate it if you could avail us one Printing Press Machine and one Fax Machine to enable us to equip our offices in readiness

1


00026025

**for elections as directed by the authority of ECOWAS
Heads of State in Monrovia.**

**We also wish to inform His Excellency that we are
in contact with General Garba through HF Radio and
we are determined to give him full cooperation in line
with the cordial relation ship existing between us.**

**Greetings and best regards from Brigadier Issa
Sesay and myself.**

Sincerely Yours,



4/10/2000

**Gibril Massakhoi
(RUF SPOKESMAN)**

Annex C

30222

THE REVOLT OF THE MERITOCRATS - Page 2

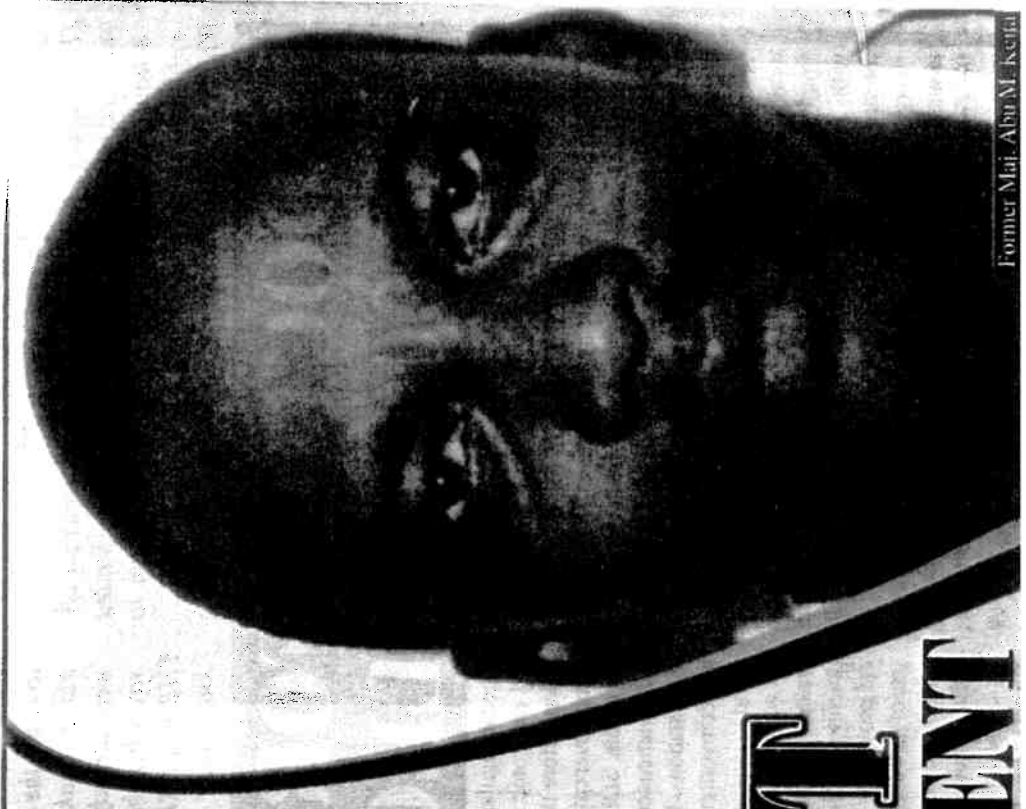
STANDARDS STIMES

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PROSECUTION WITNESSES MAY TAKE ILLEGAL SUIT AGAINST SPECIAL COURT ...BREACH OF AGREEMENT



Former Maj. Abu M. Kadir

PROSECUTION WITNESS MAY TAKE LEGAL SUIT AGAINST SPECIAL COURT

BY UNISSA BANGURA

It was widespread news among all sections of the public including radio stations in Sierra Leone who broadcasted the Special Court advert that any person(s) who giving testimony in the trial of the former President of Liberia Charles Taylor, indicted for crimes against humanity and other related offenses, will be protected and relocated into a country of his or her choice where they get relief without fear of their lives being threatened.

One such person who feels misled and abandoned by the Special Court is Abu M. Keita, a former Major in the Liberian Army, initially contacted by officers of the Court in Ghana in 2003 to give evidence relating to the involvement of his former President in the Sierra Leone Crisis.

Speaking to Standard Times yesterday in a downcast mood, the former Liberian Major explained that he was on special assignment

in Sierra Leone to oversee the interest of Charles Taylor during the era of the RUF and had cause together with his colleagues to return to Monrovia when recalled by former Liberian President Charles Taylor for another assignment after having been in Sierra Leone since 1998 to 2000.

The former Liberia Major said while in Liberia he was able to escape to Ghana. Whilst in the Liberian refuge camp he was discovered by the Special Court Investigators who then made an agreement with him to act as one of the witnesses to testify in the ongoing trial of Charles Taylor.

The former Major further explained that according to the verbal agreement made the understanding was that his life and that of his family be protected and for them to be relocated to a country where he may feel safe.

Accordingly, he was subsequently brought to Sierra Leone by the Special Court investigators

for necessary additional statements and indicated that he has been under the employment of the Court up to this stage.

The former Major disclosed that he was the 8th prosecution witness TF276 who testified in the Hague against Charles Taylor.

He lamented the fact that after having performed his own side of the bargain, officials of the Special Court have turned their backs on him, putting his life in danger by refusing to relocate him and his family. He gravely maintains that he cannot travel to Liberia nor can he continue to live in Sierra Leone because he knows that Charles Taylor has spies all over the country.

The witness however threatened to take drastic action against the Special Court if they refuse to fulfill their own side of the bargain, especially having reliably learnt that about six witnesses have so far been relocated to other Countries.

2024

Annex D

Special Task Force HQ
Cockerill North
Wilkinson Road
FREETOWN

30225

Acting CDS
DHQ

30th November 2000

Sir

**REQUEST FOR REDRESS ON THE TWENTY-SIX (26) LIBERIANS
REJECTED AT BTC BSTTT 4 TRAINING PROGRAMME ON
CONSTITUTIONAL GROUNDS**

1. I want to take this opportunity to express my profound thanks and appreciation to you and staff at the Defence Headquarters for the supportive role played in getting the personnel of the STF to be part of BSTTT 4 Training Programme now taking place at BTC which upon their graduation would have made them bonafide members of AFRSL family.
2. While we are very much appreciative of these developments, there are few things remain unresolved which I would like to bring to your attention.
3. In April; 1995, I was charged with the responsibility by the government of Sierra Leone to mobilize these men and I also served as the forerunner of the negotiations between them and Government. The recruitment, the entire process was directly under my supervision and it would be an admmissive guilt on my part as their Commander if I do not speak on their behalf.
4. Also I am not craving over their rejection into the new Army on constitutional grounds, but rather I consider their efforts over the years as a debt of gratitude to this nation. Before they were originally recruited, there were seven conditions set by the Government of Sierra Leone; namely:
 - a. Denounce ULIMO.
 - b. Be prepared to be absorbed into the Sierra Leone Army under a special unit.
 - c. All members of this unit would serve the Army under the laws of Sierra Leone, Rules and Regulations that govern the AFRSL.

d. Liberians serving in the unit, upon acceptance, verification and recruitment automatically become members of the Sierra Leone Army and would be issued military ID cards.

e. Be prepared to accept the scanty salary scale and all benefits, such as medical, Retirement and Gratuity.

f. Ranks acquired before the establishment of the unit would be reduced one step down to Officers. Other Ranks, ranking would be determined by their performance, skills acquired and capabilities.

g. Members of the unit would be under oath and letter of acceptance of these conditionalities must be sent to government upon acceptance which we did on April 24, 1995.

5. Since they were told that their recruitment is a permanent employment service unless forfeited by misconduct which is not the case of their rejection, it would be appropriate if something deservedly is done to accommodate their present situation rather than sending them only to the DDR Programme considering the years they have spent in the service from 1991.

6. The history and facts surrounding the formation of STF and their numerous achievements over the years can be testified by some senior serving Officers of the AFRSL. Colonel Komba Mondeh, the then Deputy Defence Minister, who was very much instrumental in the formation of the STF representing the Government of Sierra Leone, Col AC Nelson-Williams MA to the Acting Head of State and CDS, Brigadier General Julius Mada Bio, representing the Army and many others who had directly operated with the STF unit.

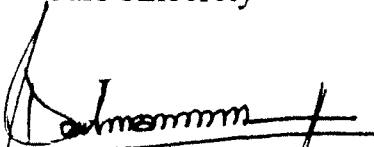
7. Let us retrospect and introspect their past activities in the various battles especially when RUF was about to launch a final attack on Freetown in 1995 after capturing Lumpa, the opening of Masika-Bo Highway after three months of closure and the repelling of RUF attack on the city of Bo on the election day, just to mentioned a few.

8. In view of the above, I would like to use this medium to register this special appeal through you and considering your present position you are clothed with the authority to give historical accounts on these personnel to those in corridors of power for their own assessment and proper redress on this paramount issue.

9. In conclusion, we should not allow our critics to exploit these present developments to their advantage. I am always available for any further discussions and clarification on the above subject.

10. Please accept for your information and action.

Yours sincerely



David LM Bropleh
Brigadier General

Copy to:

Deputy Minister of Defence. ✓

National Security Adviser.

MA/GOSL