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SCSL-03-01-T
(25097-25133)

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THE SPECIAL COURT FOR SIERRA LEONE

Trial Chamber II

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

Registrar: Mr. Herman von Hebel

Date: 6 May 2009

Case No.: SCSL-2003-01-T

THE PROSECUTOR

-v-

CHARLES GHANKAY TAYLOR

SPECIAL COURT FOR SIERRA LEONE	
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**URGENT DEFENCE APPLICATION FOR PROTECTIVE MEASURES
FOR WITNESSES AND FOR NON-PUBLIC MATERIALS**

Office of the Prosecutor:
Ms. Brenda J. Hollis

Counsel for Charles G. Taylor:
Mr. Courtenay Griffiths, Q.C.
Mr. Terry Munyard
Mr. Andrew Cayley
Mr. Morris Anyah

I. Introduction

1. Pursuant to Rules 69 and 75 of the Special Court Rules of Procedure and Evidence (“Rules”), the Defence seeks an order for non-testimonial protective measures for two categories of defence witnesses and potential defence witnesses (“witnesses”) in order to protect the identities of the witnesses and allow delayed disclosure to the Prosecution, as well as an order for non-public disclosure of confidential material.
2. This motion is filed on an urgent basis, as Lead Counsel and other defence team members are meeting with witnesses in the West African sub-region on a more concerted and regular basis, between now and the start of the Defence case, which has recently been set for 29 June 2009.¹
3. The requested non-testimonial protective measures are minimal and are necessary to protect the identity of and to safeguard the privacy and security of witnesses, as well as to ensure the integrity and confidentiality of all non-public materials disclosed to the Prosecution.
4. The Defence files this application without prejudice to any future application(s) for protective measures for witnesses who come to give testimony.

II. Applicable Legal Principles

5. Rule 75(A) is the principal provision from which the Trial Chamber derives the power to order protective measures:

“A Judge or a Trial Chamber may, of its own motion, or at the request of either party, or of the Witnesses and Victims Sections, order appropriate measures to safeguard the privacy and security of victims and witnesses provided that the measures are consistent with the rights of the accused.”
6. The rights of the accused in accordance with Article 17(2) and 17(4)(e) of the Special Court Statute include the right to “a fair and public hearing, subject to measures ordered by the Special Court for the protection of victims and witnesses” and the right to “obtain the attendance of witnesses on his or her behalf under the same conditions as witnesses against him or her”.

¹ *Prosecutor v. Taylor*, SCSL-03-01-T, Transcript, 4 May 2009, p. 24220.

7. Rule 75(B) specifies, *inter alia*, that the Trial Chamber may order measures to prevent disclosure to the public or the media of the identity or whereabouts of a witness, including the assignment of a pseudonym.
8. Furthermore, Rule 69(A) allows either of the parties to apply to the Trial Chamber for “non-disclosure of the identity of a victim or witness who may be in danger or at risk”. Following that, by the terms of Rule 69(C), the identity of such 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”.

III. Submissions

Categories of Witnesses to be Protected

9. The Defence requests protection for anyone in the following categories of witnesses, who have not expressly or affirmatively waived their right to protection:
 - a. Insiders or ex-combatants who fought for or were closely associated with any faction (including AFL, AFRC, CDF, LURD, NPFL, RUF, SLA, STF, and ULIMO) during the conflicts that took place in Sierra Leone and/or Liberia;
 - b. Former or current political or other high-ranking officials involved diplomatically or otherwise in the conflicts that took place in Sierra Leone and/or Liberia.

Specific Protective Measures Requested

10. The principle of equal protection for Prosecution and Defence witnesses is clearly established in Rules and by the practice at the Special Court.² Furthermore, the integrity of the proceedings depends on the Court’s ability to secure and protect witnesses for both the Prosecution and Defence.

² See, ex. *Prosecutor v. Sesay, Kallon, and Gbao*, SCSL-04-15-T, Decision on Kallon Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 19 March 2007. See also, *Prosecutor v. Bagosora et al*, ICTR-98-41-T, Decision on Bagosora Motion for Protection of Witnesses, 1 September 2003, para. 2 (“A further consideration is trial fairness, which favours similar or identical protection measures for Defence and Prosecution witnesses”).

11. The protective measures requested by the Defence are similar to those granted to the Prosecution³ in this case and to the Defence teams in other cases before the Special Court.⁴
12. The Defence requests that the Trial Chamber order the following protective measures in regard to the categories of witnesses listed above:
 - a. That the Defence may designate a pseudonym for each protected witness that will be used for pre-defence case disclosure of witness summaries or other materials and whenever reference is made to such witness in communications or discussions between the parties;
 - b. That the names or identifying information shall not be disclosed to the public or the media until the witness testifies (unless otherwise ordered) or indefinitely if the witness is not called to testify;
 - c. That the Defence may withhold from the Prosecution⁵ identifying data of a protected witness or any information which could reveal the identity of such witness until 21 days before the witness is due to testify at trial;
 - d. That the Prosecution shall not make an independent determination of the identity of a protected witness or encourage or otherwise aid any person to attempt to determine the identity of any such person;
 - e. Upon disclosure of a witness' name or other identifying data by the Defence, that the Prosecution shall not directly or indirectly contact any protected witness unless informed consent is obtained from the witness by the Witness and Victims Section (WVS) and the Defence is notified of such contact. Except under exceptional

³ *Prosecutor v. Taylor*, SCSL-0301-T-99, Decision on Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures and on Confidential Prosecution Motion for Leave to Substitute a Corrected and Supplemented List as Annex A of the Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures, 5 May 2006.

⁴ See, ex. *Prosecutor v. Brima, Kamara, and Kanu*, SCSL-04-16-T-488, Decision on Joint Defence Application for Protective Measures for Defence Witnesses, 9 May 2006; *Prosecutor v. Sesay, Kallon, and Gbao*, SCSL-04-15-T, Decision on Kallon Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 19 March 2007 [**“Kallon Protective Measures Decision”**]

⁵ The Defence notes that the term “Prosecution” refers to all persons working for any of the five sections within the Office of the Prosecutor, including: Prosecutions, Appeals, Investigations, SEAPA, and Legal Operations. See <http://www.sc-sl.org/ABOUT/CourtOrganization/Prosecution/tabid/90/Default.aspx>. See also *Prosecutor v. Bagosora et al.* ICTR-98-41-AR73(B), Decision on Interlocutory Appeals of Decision on Witness Protection Orders, 6 October 2005, paras. 43 and 44 (discussing generally the dual purposes and roles of the Prosecutor – to investigate and to prosecute).

circumstances, any such contact shall not take place before the witness' testimony in court;

- f. That the Prosecution shall not share or reveal any disclosed witness-related non-public materials; namely that the Prosecution is prohibited from providing, sharing, discussing or revealing, directly or indirectly, any disclosed witness-related non-public materials of any sort, specifically including witness statements or summaries, or any information contained in any such documents, to the public or media, except where such disclosure to a member of the public is absolutely necessary to the preparation of cross-examination. In such a case, the information disclosed shall strictly be kept to the minimum necessary for the preparation of cross-examination;
- g. That the Prosecution 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, or any other non-public material, as well as the date of disclosure; and that the Prosecution shall ensure that the person to whom such information is disclosed is put on notice of the protective measures orders and follows those orders including the order for non-disclosure;
- h. That the Prosecution shall, at the conclusion of the proceedings, return to the Registry all disclosed witness-related materials and copies thereof which have not become part of the public record;
- i. That the Registry shall, at the conclusion of the proceedings, seal the names or any other identifying data of these witnesses as well as disclosed witness-related materials that has not become part of the public record; and
- j. That none of the above requested measures should be interpreted to serve as a bar to the Defence's preparation for its case, in as much as the Defence may be required to liaise with WVS and various governments or authorities in facilitating the travel arrangements and related issues in preparation for a witness' travel to The Hague to give testimony.⁶

⁶ Bearing in mind the provisions granted in *Prosecutor v. Taylor*, SCSL-03-01-T-130, Decision on Confidential Prosecution Motion to Vary Protective Measures, 15 November 2006.

Bases for Protective Measures

13. International criminal law jurisprudence requires that a party requesting protective measures provide the Trial Chamber with both an objective and subjective basis for ordering the same.⁷ Objectively, protective measures may be ordered “on the basis of a current security situation”.⁸ Subjectively, protective measures may be ordered based on the fears expressed by the witnesses themselves, or others on their behalf.⁹
14. In the instant case, there exists clear and convincing evidence forming both a subjective and objective basis for the grant of the requested protective measures.
15. Ex-combatants and insiders who were part of the various factions that participated in the conflicts in Sierra Leone and/or Liberia face special challenges and threats in terms of post-conflict reintegration. Specifically, ex-combatants are viewed with fear, suspicion, and resentment by the general civilian population.¹⁰ This makes them particularly vulnerable to reprisals and discrimination, especially if viewed to sympathize with or support the Accused, who is popularly believed to have brought war to both Liberia and Sierra Leone. Stigma against ex-combatants makes it difficult for them to find ample employment, obtain housing, and interact within communities as equals, and these challenges still exist despite the formal end of the conflict in 2002. Reintegration to their home communities has been especially difficult for ex-RUF and ex-AFRC members.¹¹ Likewise, ex-NPFL members are “drastically averse” to returning to their

⁷ *Prosecutor v. Sesay, Kallon, and Gbao*, SCSL-04-15-T, Decision on Kallon Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 19 March 2007, para. 25; *Prosecutor v. Rugambarara*, ICTR-00-59-I, Decision on the Prosecutor’s Motion for Protective Measures for Witnesses, 28 October 2005, paras. 6-9; *Prosecutor v. Bagosora et al.*, ICTR-98-41-T, Decision on Bagosora Motion for Protective Measures, 1 September 2003, para. 2 (“...jurisprudence...requires that the witnesses for whom protective measures are sought must have a real fear for the safety of the witness or her or his family, and there must be an objective justification for this fear”).

⁸ *Prosecutor v. Muvunyi et al.*, ICTR-00-55-I, Decision on the Prosecutor’s Motion for Orders for Protective Measures for Victims and Witnesses to Crimes alleged in the Indictment, 25 April 2001, paras. 21, 22.

⁹ *Prosecutor v. Bagosora et al.*, ICTR-98-41-T, Decision on Bagosora Motion for Protective Measures, 1 September 2003, para. 2.

¹⁰ Fusato, Massimo. “Disarmament, Demobilization, and Reintegration of Ex-Combatants.” *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Research Consortium, University of Colorado, Boulder. Posted: July 2003 <<http://www.beyondintractability.org/essay/demobilization/>>.

¹¹ Humphreys and Weinstein, “What the Fighters Say: A Survey of Ex-Combatants in Sierra Leone, June – August 2003”, published August 2004, pgs. 39-41.

http://www.earthinstitute.columbia.edu/cgsd/documents/humphreys_combatantsurvey.pdf [Annex A]

- pre-war communities.¹² Significantly for the potential defence witnesses targeted, studies have shown that higher ranking officers in the various military factions “encounter more severe problems in integration”.¹³
16. The uniquely vulnerable situation of insider witnesses has been amply noted in Special Court jurisprudence.¹⁴ Likewise, the media prejudice against the Accused is well known and this Trial Chamber has further noted that statements made by the Chief Prosecutor, Mr. Stephen Rapp, have tended to heighten public condemnation of the Accused.¹⁵
 17. The situation of high-ranking or high-profile political figures is also particularly vulnerable, since a politician’s entire livelihood depends on reputation, favourable public opinion and goodwill of the populace. Thus, those political figures who are willing to risk association with the Accused by meeting with the defence team and/or coming to testify open themselves to severe criticism and detrimental opposition.
 18. Lurking in the shadows, especially for high-level ex-combatants and high-profile political figures, is the threat of being added to the Travel Ban¹⁶ and/or Assets Freeze¹⁷ by the UN Security Council. These Security Council Resolutions are still in force¹⁸ and demand that those people found to “retain links”¹⁹ to the Accused or who are “close allies or associates”²⁰ of the Accused be banned from travelling or have their assets frozen.
 19. The combination of these objective indicators makes it a potentially dangerous situation for those ex-combatants and political figures that chose to cooperate with the Taylor

¹² Pujel, James, “What the Fighters Say: A Survey of Ex-Combatants in Liberia, February – March 2006”, published April 2007, pg. 50. See generally, pgs. 48-60. <http://www.lr.undp.org/UNDPwhatFightersSayLiberia-2006.pdf> [Annex B]

¹³ Humphreys and Weinstein, “Demobilization and Reintegration”, *Journal of Conflict Resolution*, Vol. 51, No. 4, August 2007, pg. 547. <http://jcr.sagepub.com> [Annex C]

¹⁴ See, ex. *Prosecutor v. Sesay, Kallon, and Gbao*, SCSL-04-15-T-180, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 05 July 2004, para. 33 and the subsequent order granting voice distortion during testimony of insider witnesses.

¹⁵ *Prosecutor v. Taylor*, SCSL-03-01-T-722, Decision on Motion for Disclosure of Evidence Underlying Prejudicial Statements Made by the Chief Prosecutor, Mr. Stephen Rapp, to the Media, 6 February 2009, para. 30.

¹⁶ Security Council Resolution 1521 (2003). See <http://daccessdds.un.org/doc/UNDOC/GEN/N03/669/60/PDF/N0366960.pdf?OpenElement>.

¹⁷ Security Council Resolution 1534 (2004). See <http://daccessdds.un.org/doc/UNDOC/GEN/N04/268/48/PDF/N0426848.pdf?OpenElement>.

¹⁸ The Security Council most recently renewed them on 19 December 2008. See <http://www.un.org/News/Press/docs/2008/sc9547.doc.htm>.

¹⁹ Travel Ban, para. 4.

²⁰ Assets Freeze, para. 1.

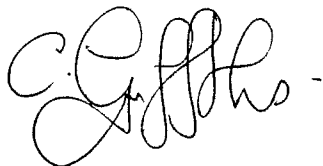
Defence team. These objective indicators are echoed loudly by the subjective concerns of witnesses. In the course of investigating and talking to defence witnesses for the past two years, defence team members on the ground can attest to the subjective fears expressed and concerns raised by the witnesses.

20. As particularized in the attached statements of Ibrahim Kargbo (Witness Management Officer – Sierra Leone)²¹ and John Gray (Investigator – Liberia)²², ex-combatants and high-profile political figures are concerned about general stigmatization, loss of employment opportunities, threats to their safety and well-being of their families, and disfavour with the national and international communities.

IV. Conclusion

21. Consequently, based on the objective and subjective fears expressed by the witnesses, the Defence requests that the Trial Chamber urgently grant the protective measures as listed in paragraph 12 for the category of witnesses in paragraph 9.

Respectfully Submitted,



Courtenay Griffiths, Q.C.
Lead Counsel for Charles G. Taylor
Dated this 6th Day of May 2009
The Hague, The Netherlands

²¹ Annex D

²² Annex E

List of Authorities

Prosecutor v. Taylor, SCSL-03-01-T

Prosecutor v. Taylor, SCSL-03-01-T, Trial Transcript, 4 May 2009

Prosecutor v. Taylor, SCSL-03-01-T-722, Decision on Motion for Disclosure of Evidence Underlying Prejudicial Statements Made by the Chief Prosecutor, Mr. Stephen Rapp, to the Media, 6 February 2009

Prosecutor v. Taylor, SCSL-03-01-T-130, Decision on Confidential Prosecution Motion to Vary Protective Measures, 15 November 2006

Prosecutor v. Taylor, SCSL-0301-T-99, Decision on Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures and on Confidential Prosecution Motion for Leave to Substitute a Corrected and Supplemented List as Annex A of the Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure and Urgent Request for Interim Measures, 5 May 2006

Other SCSL Jurisprudence

Prosecutor v. Sesay, Kallon, and Gbao, SCSL-04-15-T, Decision on Kallon Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 19 March 2007

Prosecutor v. Taylor, SCSL-03-01-T-722, Decision on Motion for Disclosure of Evidence Underlying Prejudicial Statements Made by the Chief Prosecutor, Mr. Stephen Rapp, to the Media, 6 February 2009

Prosecutor v. Bagosora et al, ICTR-98-41-T, Decision on Bagosora Motion for Protective Measures, 1 September 2003

Prosecutor v. Brima, Kamara, and Kanu, SCSL-04-16-T-488, Decision on Joint Defence Application for Protective Measures for Defence Witnesses, 9 May 2006

Prosecutor v. Sesay, Kallon, and Gbao, SCSL-04-15-T, Decision on Kallon Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 19 March 2007

Prosecutor v. Sesay, Kallon, and Gbao, SCSL-04-15-T, Decision on Kallon Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 19 March 2007

Prosecutor v. Sesay, Kallon, and Gbao, SCSL-04-15-T-180, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 05 July 2004

ICTR Jurisprudence

Prosecutor v. Bagosora et al, ICTR-98-41-AR73(B), Decision on Interlocutory Appeals of Decision on Witness Protection Orders, 6 October 2005
<http://trim.unictr.org/webdrawer/rec/69234/>

Prosecutor v. Bagosora et al, ICTR-98-41-T, Decision on Bagosora Motion for Protection of Witness, 1 September 2003
<http://trim.unictr.org/webdrawer/rec/38858/>

Prosecutor v. Rugambarara, ICTR-00-59-I, Decision on the Prosecutor's Motion for Protective Measures for Witnesses, 28 October 2005
<http://trim.unictr.org/webdrawer/rec/70365/>

Prosecutor v. Muvunyi et al, ICTR-00-55-I, Decision on the Prosecutor's Motion for Orders for Protective Measures for Victims and Witnesses to Crimes alleged in the Indictment, 25 April 2001
<http://trim.unictr.org/webdrawer/rec/23329/>

UNSC Resolutions

Security Council Resolution 1521 (2003). See
<http://daccessdds.un.org/doc/UNDOC/GEN/N03/669/60/PDF/N0366960.pdf?OpenElement>.

Security Council Resolution 1534 (2004). See
<http://daccessdds.un.org/doc/UNDOC/GEN/N04/268/48/PDF/N0426848.pdf?OpenElement>.

¹ The Security Council most recently renewed them on 19 December 2008. See
<http://www.un.org/News/Press/docs/2008/sc9547.doc.htm>.

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Annex A

V Post-Conflict Reintegration

Disarming, demobilizing, and reintegrating ex-combatants is a critical part of a broader strategy of post-conflict reconstruction—a strategy that aims to lay the foundation for peaceful coexistence and to reduce the risk of renewed conflict. Often, ex-combatants are a key cause for concern in post-conflict environments. If they are not successfully reintegrated into the civilian community, former fighters have the military know-how, the experience, the tools, and often the will to turn again to violent means of achieving change. Reintegration is perhaps the toughest part of a DDR effort.

This study sought to assess the risks of renewed violence in Sierra Leone by examining the post-conflict reintegration of ex-combatants. The big message is clear: ex-combatants are reintegrating into civilian society, although their strategies differ markedly across factions. Moreover, most ex-combatants reject violence as a strategy for achieving political change. They see that they can have impact in Sierra Leone's new democracy: by organizing peacefully, voting in elections, and holding officials accountable for results.

At the same time, ex-combatants have faith more in outsiders than in their own government. The experience with UNAMSIL has been a positive one, but ex-combatants see appeals to the international community and to NGOs as the best ways to hold their government accountable and to achieve positive results.

Perhaps most surprising is the finding that non-participants in DDR have reintegrated as successfully as participants. Making sense of this finding requires a more nuanced analysis—one that will be discussed in the conclusion to this section.

V.1 Reintegration into Communities

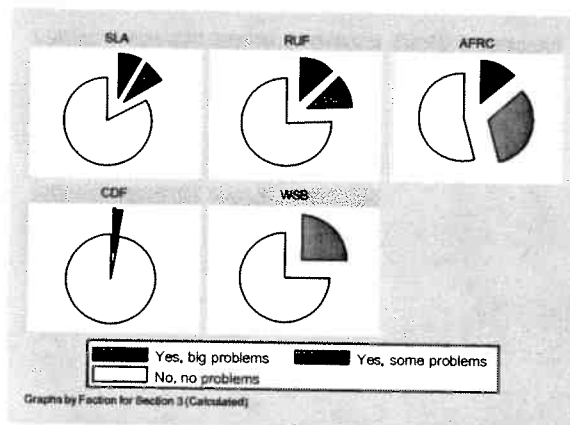
It is important to examine first, the choices combatants made about which communities they would live in after the conflict. Overall, 52% of ex-combatants returned to their home communities. But this average obscures important differences across factions. CDF combatants went home in much larger numbers. Close to 75% of CDF fighters returned to the communities they had lived in before the war began. The RUF exhibits a different pattern. Only 34% of RUF combatants returned home, with most instead choosing to live in new communities. The AFRC, SLA, and WSB were not unlike the RUF in this respect. Strikingly, abductees were on average less likely to go home to their own communities than individuals who claimed to join voluntarily, this pattern was particularly pronounced within the sample of SLA members interviewed.

This sorting—CDF fighters returning home, most others going elsewhere, volunteers returning home, abductees staying away—raises concerns about the degree to which ex-combatants were *accepted* by their families and communities in the post-conflict period. As one would expect, the results suggest a strong correlation between the decision to return home and the degree to which combatants believed they would be accepted by their families and neighbors.

Overall, when asked whether their families accepted them when they returned from fighting, over 90% of fighters encountered no problems in gaining acceptance. But there is evidence of systematic variation across the factions. RUF and AFRC combatants, in particular, experienced problems at a much higher rate. 16% of RUF fighters experienced “some” or “big” problems in gaining acceptance from their families. Abductees too, had greater difficulties with neighbors and families, even after controlling for the faction in which they fought. This might result from a strategy in which abductees were forced to commit violations against their own communities.

The experience was similar in gaining acceptance from the communities in which they chose to live. Figure 21 compares ex-combatants’ experiences with acceptance at the community level across factions.

Figure 21: Community Acceptance of Ex-Combatants, by Faction



Many respondents had problems reintegrating, and some expressed their challenges in specific detail. One respondent complained: “People cast all sorts of blame on me for being an ex-RUF. They say we destroyed lives and property. They provoke me. I am not happy about my life. People talk about me.”

However, the quantitative results suggest that a large majority of former fighters— 86%— had no problems when returning to their former communities or entering new ones. But as Figure 21 makes clear, some factions struggled more than others. In particular, combatants in the AFRC and RUF—many of who did not return home—encountered problems in their new communities.

Statistical methods enabled systematic tests of the factors that impeded reintegration at the end of the war, controlling for other influences. RUF combatants, and Temnes from all factions, faced the greatest problems with reintegration. CDF members, and Mendes from all factions, found it less difficult to reintegrate. There were also regional determinants in the multivariate analysis. Combatants from the East found it less difficult to reintegrate. Lower rank combatants had an *easier* time reintegrating, while higher rank commanders found it hardest to gain acceptance. Notably, combatants who had been abducted into the factions

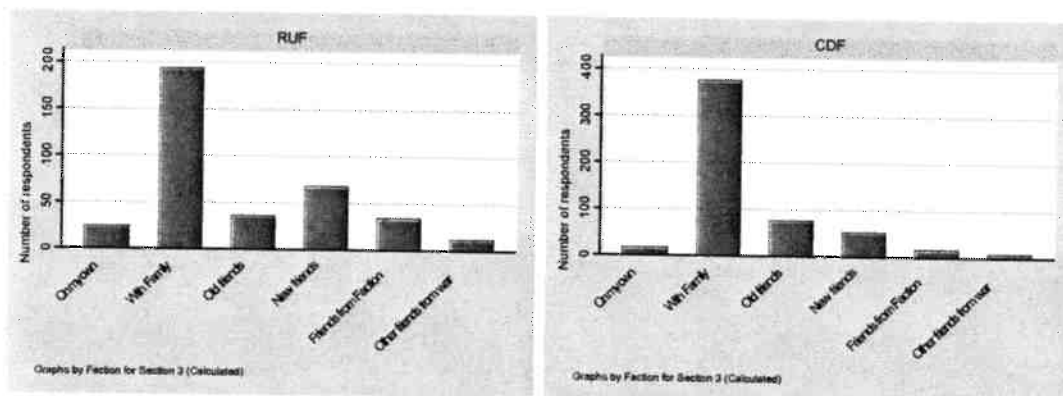
found it no easier to reintegrate than those that had joined voluntarily—even within the RUF. Finally, controlling for other factors, the difficulties that abductees had in gaining acceptance among their neighbors appears to have declined considerably between the end of the war and the enumeration of the survey. That is a particular note of good news.

The high rates of acceptance of CDF fighters should not come as a surprise given the tight social networks that gave rise to this group—networks rooted in the communities from which they came. The struggles of the RUF and the AFRC, both of which lacked solid community ties, are also not surprising. Yet, they represent a cause for concern moving forward.

An additional measure of reintegration comes from a question about with whom combatants choose to spend their free time in the post-war period.

As Figure 22 demonstrates, CDF fighters spend most of their time with family and with friends they made before the war (82% in total). RUF fighters, on the other hand, spend somewhat less time with their families, and have established networks with friends from their faction, others they met during the war, and people they have met in the post-war period. The same pattern is evident in the behavior of former AFRC fighters.

Figure 22: How Ex-Combatants Spend Their Free Time, by Faction



V.2 Post-War Political Perspectives

Are these different patterns of reintegration reflected in how ex-combatants think about the political situation in the country? One might imagine that CDF combatants, given that they have returned to welcoming communities, might be much more optimistic about the progress Sierra Leone has made since the end of the war.

Importantly, while members of different factions have found distinct ways of reintegrating, they tend to share a largely positive assessment of the progress made by the government in addressing fundamental economic and political challenges in the country.

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Annex B

3.4 Post-Conflict Reintegration Determinants

Post-conflict reintegration is a very difficult area to assess. Numerous dimensions of reintegration are referred to in the literature when looking at post-conflict intervention scenarios. A January 2000 UNDP internal evaluation recommends that the organization “should concentrate its support to political, social and economic reintegration of war-affected populations on restoring social and human capital while contributing to political and economic stability.”^{xxviii} Kees Kingma agrees with the three components of reintegration highlighted by the UNDP evaluation team but goes further by noting that there are distinct psychological aspects as well.^{xxix} Mats Berdal acknowledges the importance of both the economic and social dimensions of reintegration but also argues that within a post-conflict environment these two areas are inexorably linked to political and security considerations.^{xxx} Without an agreement in the literature as to what post-conflict reintegration should be and in the absence of a definable standard, four selected dimensions of reintegration are framed and discussed in order to achieve a tangible understanding of the situation in Liberia. Covered in the following sub-sections will be discussions on the determinants of reintegration as categorized with social, economic, political, and psychological dimensions.

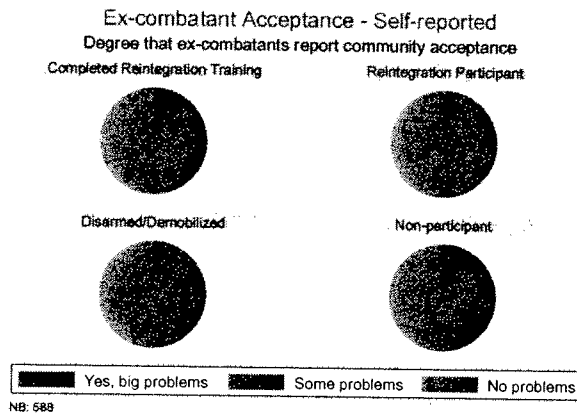
3.4.1 Social Reintegration

The most widely discussed dimension of reintegration is usually presented in a coupling approach that presents a socio-economic picture of a post-conflict intervention program's efficiency. While the economic side of the coin can be observed in many tangible outcomes, the social aspect of reintegration is full of more ambiguity and can be fraught with many pitfalls for those conducting the analysis. In many respects, the social impacts that are measured in reintegration are by many accounts influenced by economic spillover effects. Figures 32-38 present some key findings that will hopefully illuminate the social dimension of reintegration as it pertains to the Liberian case.

In any conflict situation, “acceptance” is always a variable pursued to gauge the climate of a community that is undergoing a period of reconciliation. In this study, two perspectives on this variable were operationalized. Figure 32 portrays “acceptance” as a self-reported level of the respondent's personal feeling while figure 33 introduces a nuance into the questioning by asking the respondents to give what they believe to be their respective community's perception of the population of ex-combatants. In figure 32, the self-reported acceptance rate is separated by category of intervention. Overall, the percentage of respondents that indicated no problems with community acceptance is 94%. International intervention appears to have little effect on the lives of those ex-combatants who indicated experiencing “big problems” within their respective

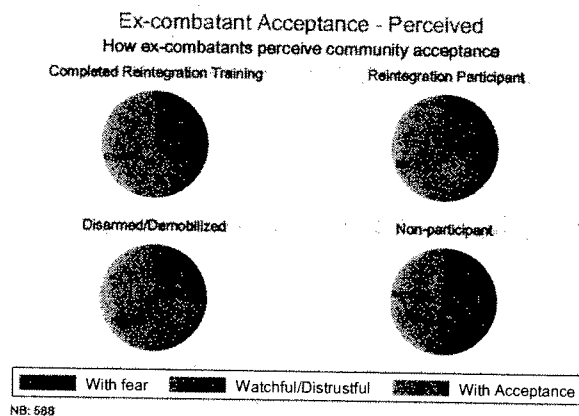
community. All six of the respondents in the completed DDRR training category who indicated “big problems” today had also indicated “big problems” immediately after leaving their respective factions.

Figure 32: Community Acceptance of Ex-combatants, by Category of Program Participant



Perceived acceptance appears to provide a bit more variance in response by the sample population. The variable was operationalized and employed with the advice of Mr. Charles Achodo, the senior UNDP advisor for the Liberian DDRR program. The variable looks to assess the state of acceptance within communities through a perceived sociological path of reconciliation that has been observed by Mr. Achodo during his many years of experience in post-conflict environments. It is interesting to note that while the ex-combatants report that they feel accepted at a rate of 94%, they also report that they believe their respective communities look upon the population of ex-combatants “with acceptance” at a rate of only 66%. Two other interesting anomalies emerge in these findings as well. First is that those ex-combatants who have completed training programs are doubly disposed to perceiving that the community looks upon the community of former fighters “with fear.” Second, the NCDDRR non-participants are by far the most cautious of the community, citing only a 44% acceptance rate and characterizing 46% of the communities as “watchful or distrustful” of the population of ex-combatants.

Figure 33: Perceived Community Acceptance Level, by Category of Program Participant



Figures 34-36 examine the social facet of the physical act of reintegration, the actual rate at which former combatants have returned to their home communities. As of the time of the survey, approximately two and half years after the signing of the CPA and the formal cessation of hostilities, 58% of the population of ex-combatants had returned to their home communities of record before the war. Figure 34 illustrates significant variation in resettlement across former factions. The MODEL appears to be the quickest to return at a rate of over 75%, while the former fighters from the NPFL appear to be drastically averse to returning to their pre-war communities. Figure 35 examines the issue as a function of DDRR program participation and status. Interestingly, those respondents who completed a course of reintegration training and those who have only disarmed and demobilized have returned at a much higher rate than those enrolled in reintegration training and the non-participants. The non-participants show the slowest rate of reintegration of any category – 44%. Finally, figure 36 provides insight into the general makeup of Liberian towns, villages, and cities. In general, the findings with regard to locality and home community resettlement indicate that about one-third of the ex-combatants outside the greater Monrovia area could be considered “strangers” within their communities. Alternatively, the metropolitan area holds a population of near 60% “strangers” to Monrovia.

Figure 34: Home Community Resettlement, by Major Faction

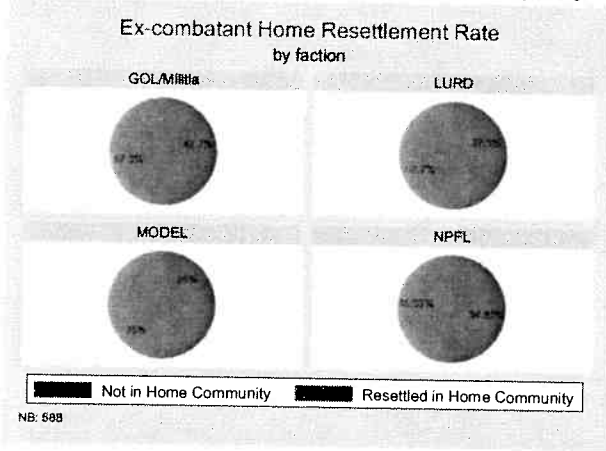


Figure 35: Home Community Resettlement, by Category of Program Participant

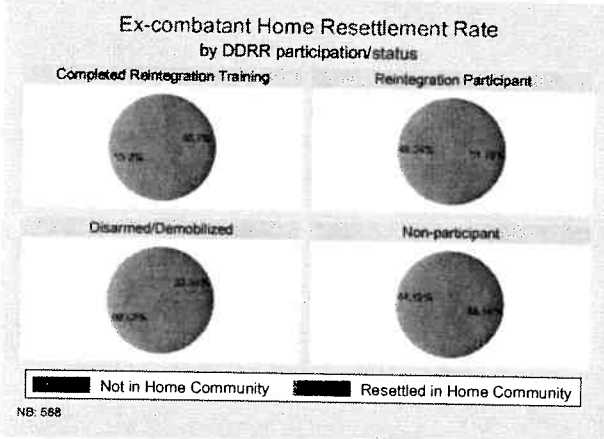
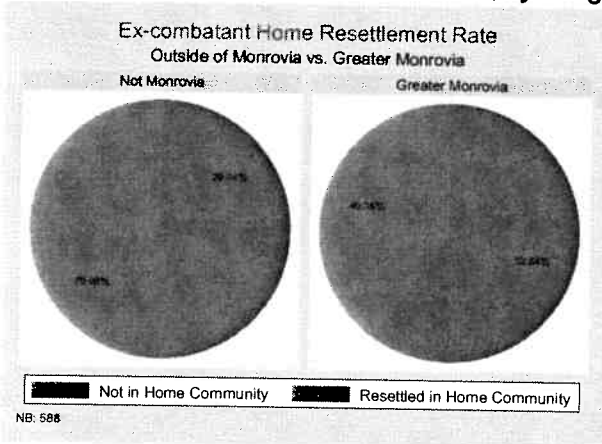


Figure 36: Home Community Resettlement, by Geography



Figures 37 and 38 investigate the final two proposed indicators of reintegration, social networks and community participation. An understanding of the types of people that former combatants

spend their free time with as well as their propensity for engaging in the community are posited here for consideration. Abundantly apparent in figure 37 across categories is the primacy of family in the lives of ex-combatants. This fact is significantly demonstrated by the population of ex-combatants who have registered with the NCDDRR but have not yet enrolled in a reintegration training program. Interestingly, only 4 of 588 respondents indicated that they spent their free time with friends from their former factions or the war. Figure 38, which details community participation levels, indicates little variance between categories of respondents, but it does illustrate that the former fighters appear to regard community participation as a priority.

Figure 37: Social Networks, by Category of Program Participant

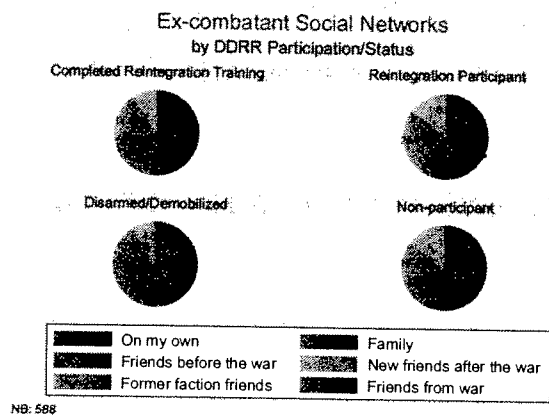
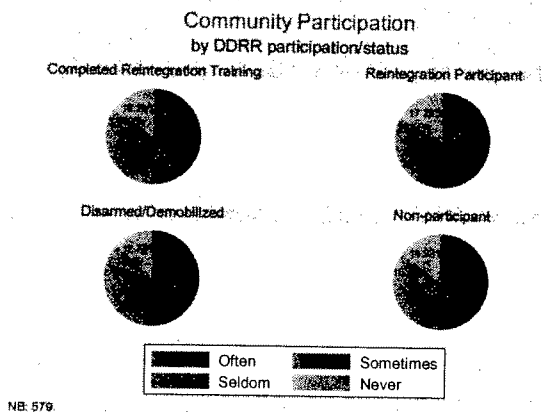


Figure 38: Community Participation, by Category of Program Participant

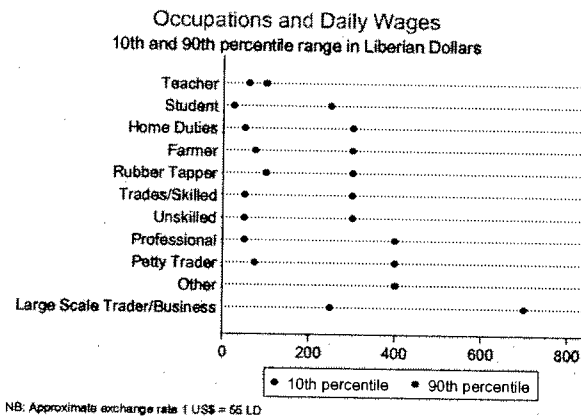


3.4.2 Economic Reintegration

Hand in hand with social reintegration is the second dimension considered in this assessment – economic. Figures 39-40 endeavor to investigate the particulars of an economic perspective. The first aspect of this reintegration dimension is addressed as a description of the aggregate sample

by daily wage and occupation in figure 39. The figure excludes variable outliers by reporting the range of wages received by the middle 80th percentile of ex-combatants. Notably, typical occupations in Liberia do not exceed 400 Liberia Dollars (LD), or approximately US\$7.25/day. Disturbingly is the daily wage secured by teachers – a meager US\$1.50 /day.

Figure 39: Wage and Occupation of the Sample Population of Ex-combatants



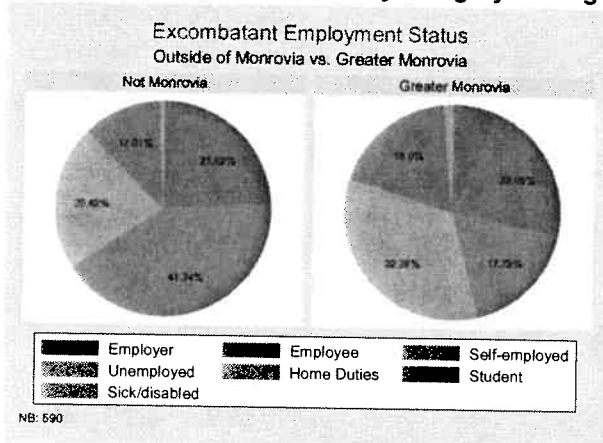
Determining employment status in a post-conflict society with little formal economic capacity can be problematic for investigators. A new construct, however, for deciphering employment status was introduced in order to better understand the employment opportunities and challenges. The construct for employment was formulated in coordination with the Bureau of Statistics, Government of Liberia. A series of six questions based upon a 1999 Government of Liberia demographic survey^{xxxii} was designed to assess the respondents according to a particular employment status. Ten possible categories of employment are used: employer, employee, self-employed, unemployed, home duties, student, retired, not looking for work, don't know/other, and sick/disabled. This construct differs from the Humphreys and Weinstein's Sierra Leone study as the latter focuses on distinguishing employment status through asking what occupation the respondent is in. In the Humphreys and Weinstein variable, a response of "unemployed" distinguishes the respondents from the various "employed" occupations of farmer, teacher, etc. With unemployment estimated at 80% in the formal sector,^{xxxii} a construct that provides more variation on employment status is critical to analysis.

Figure 40 illustrates the employment status findings by DDRR participation status and by locality. The aggregate findings for employment status are summarized as follows:

- Formal sector employment (26%)
- Self-employed (31%)
- Unemployed (25%)
- Student (15%)
- Inactive – home duties, sick/disabled, retired (3%)

In the findings that correspond to DDRR participation, those who completed a course of training show the highest rate of entry into the formal employment sector at 41%, followed by non-participants at 32%. Non-participants and those who have not yet enrolled in a reintegration training program are the most prone to unemployment at 29% and 28%, respectively. When examination of employment status by locality is taken into account, the significance of self-employed ventures becomes apparent outside Monrovia. Ex-combatants outside Monrovia reported a status of self-employed 42% of the time, compared with 18% reported in the capital region. Notably, unemployment is more than 10% less when former combatants choose to work outside Monrovia.

Figure 40: Employment Status, by Category of Program Participant and Locality



Over 80% of the ex-combatants report a daily wage of less than US\$5/day. Almost half of the sample reported a wage of US\$2/day. Figure 41 disaggregates the intervention categories and illustrates their self-reported daily wage. Reintegration training completers and non-participants appear to be securing the best wages, although the non-participants also show one of the highest rates of those below US\$1/day. Those registrants who have not enrolled in a course of training to date appear to be worst off of all.

Figure 41: Daily Income Level, by Category of Program Participant

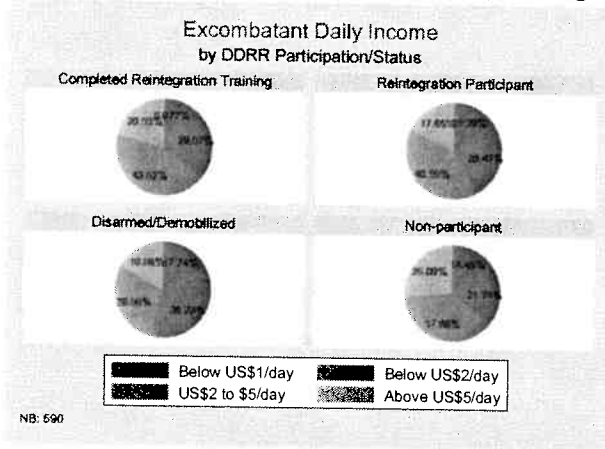
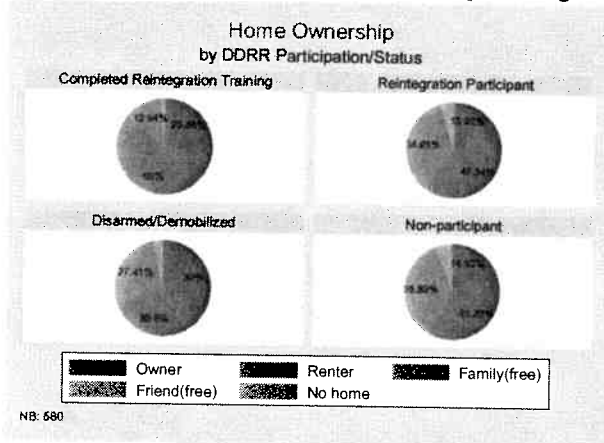


Figure 42 looks to the indicator of home ownership as a facet of the economic reintegration dimension. A modicum of economic independence should be perceived from those former combatants able to secure living accommodations with their own resources – renting or ownership. With this in mind, those who have completed reintegration training appear to do well with this indicator as over 85% have paid their way in some capacity. Non-participants are the least capable category in securing their own living accommodations, with over 42% living with friends or family for free.

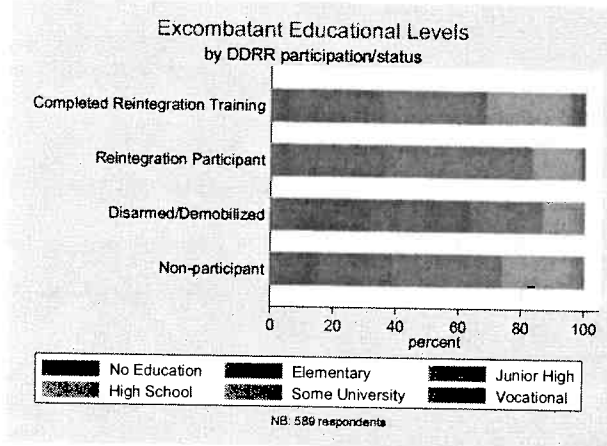
Figure 42: Home Ownership, by Category of Program Participant



The final determinant of economic reintegration is presented in figure 43 – education levels. In the aggregate, only 18% of the sample reported that they had never received any formal education. Those ex-combatants who had registered but had not enrolled in a reintegration training program appear to be the least educated, with more than 60% of the sub-sample able to claim only an

elementary-level education at best. Notably, the non-participants include a portion of fairly educated members (high school-level equivalent or higher) – 26%.

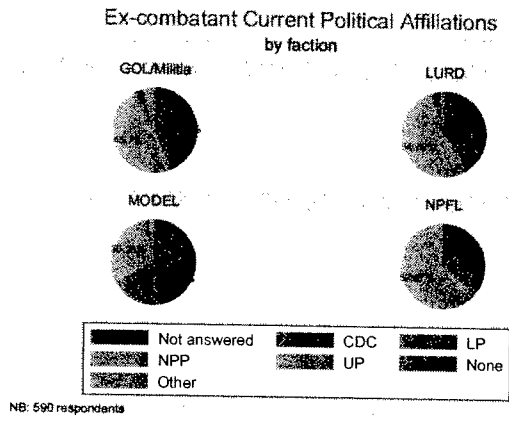
Figure 43: Educational Levels, by Category of Participation



3.4.3 Political Expressions and Reintegration

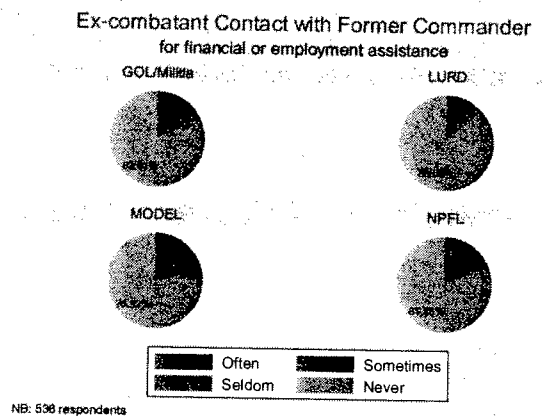
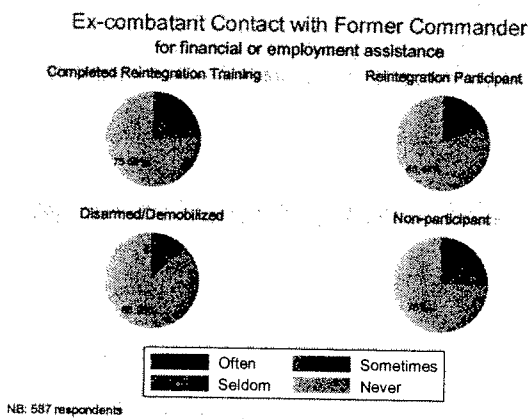
The political activism of the former combatants as shown in figure 44 is in stark contrast to the democratic involvement exhibited at the onset of hostilities in 1989 (see figure 3), where over 86% claimed no party affiliation – as of February/March 2006, all but a little more than 2% of the sample claimed a party affiliation. Of the 30 political parties that registered in the October 2005 elections, 18 were old and 12 were new.^{xxxiii} The UP is led by Liberia's current executive and winner of the presidential election, Ellen Johnson-Sirleaf, while the CDC was represented George Weah's in the two-person November runoff elections. The Liberty Party (LP) placed third in the 2005 elections with Charles Brumskine serving as its candidate. The National Patriotic Party (NPP) is former Liberian president Charles Taylor's old party.

Figure 44: Former Combatant Political Party Affiliations (February/March 2006)



The organizational linkages that bound members to their commanders are the second facet of political reintegration that will be explored by this study. Figure 45 illustrates the degree to which the ex-combatants in the sample have disassociated themselves from their former commanders. The question asked how often they had contact with their former commanders for financial or employment assistance. Significantly, across categories of intervention as well as across former warring factions, greater than three-quarters of all respondents reported that they never had contact with their former commanders. Disturbing in the findings, however, is that 8% of ex-combatants who have completed their reintegration training are in contact "often" with their former commanders.

Figure 45: Breaking Ties with Faction Leaders



3.4.4 Psychological Reintegration

The psychological dimension proved to be a difficult component to address. A construct for “self-esteem” was employed in this study in an exploratory capacity. The Rosenberg Self-Esteem Scale (SES), a standard ten-item, four-point Likert scale, was administered to measure global self-esteem. The resulting score from the ten-item construct provides a quantifiable measure. The Rosenberg SES “is a unidimensional scale designed to measure only perceptions of global self-esteem.”^{xxxiv} Originally designed in 1965 for assessing the construct in adolescents, it has been widely used and accepted for studying adults as well.^{xxxv} While the instrument has been widely employed internationally, there are no known uses of it in Liberia. In a report to the USAID that discusses the psychosocial well-being of youth in the African context, the Rosenberg SES is highlighted as a very promising psychometric tool.^{xxxvi} The construct has proved to be useful in other reintegration instigations.^{xxxvii}

Unfortunately, the results obtained from the survey were determined to be unreliable as a whole, but did indeed appear to show some promise when the cases were filtered by enumerator identification. Overall, a statistical reliability analysis (Cronbach Alpha) yielded a rating for the construct that was below the threshold usually accepted in the social sciences, and therefore the decision was made not to advance the findings. Although a tangible finding cannot be presented here, it is important to share that one of the enumerators appears to have accurately captured the intent of the construct as his cases, when analyzed for reliability, met the threshold for acceptance. This particular enumerator received extra training on the delivery of the construct, and it is believed that insufficient training of the enumerator staff played a significant role in the inability of the construct to yield reliable findings. More work needs to be done on evaluating the psychological dimension, but the one small sub-sample (95 cases) indicates some promising exploration; the self-esteem construct appears to show a strong correlation with numerous reintegration dimensions.

3.4.5 Gender Differences

With regard to gender differences in post-conflict reintegration, a few perspectives are disaggregated in an effort to uncover any disparities in the process. A brief presentation of findings in figures 46-48 includes analysis on three of the dimensions covered - social, economic, and political. The social determinant of “acceptance” is addressed in figure 46. For completeness,

both the “self-reported” and the “perceived” findings are included for consideration. Variation only appears to surface in how males and females perceive acceptance. Notably, females are interpreting their community’s interactions with the population of ex-combatants as more conciliatory than their male counterparts, with over 77% reporting “acceptance” versus 63% in the male population. Figure 47 contrasts the educational levels of the male and female ex-combatants in the sample. Strikingly, females reported not having ever received formal education at a rate twice that of the males. Additionally, only 28% of the females in the sample had an education above elementary school compared with the males at 57%. Finally, figure 48 addresses the status of ex-combatants in their ability to “break ties” with their former commanders. The illustration doesn’t show much variation with regard to this variable with the exception that not a single female respondent reported that she kept in touch “often” with her former commander.

Figure 46: Gender - Social (Acceptance)

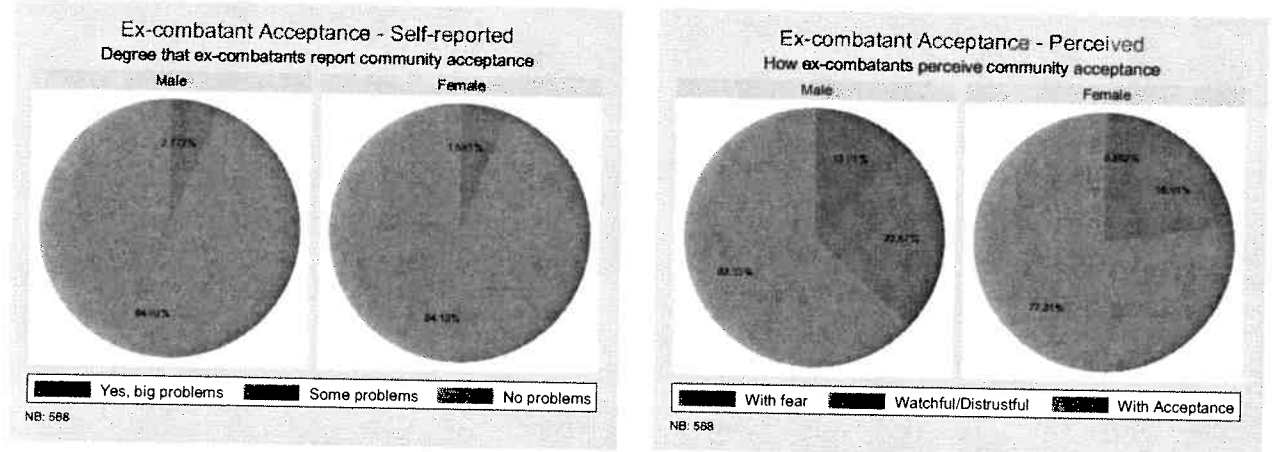


Figure 47: Gender - Economic (Education)

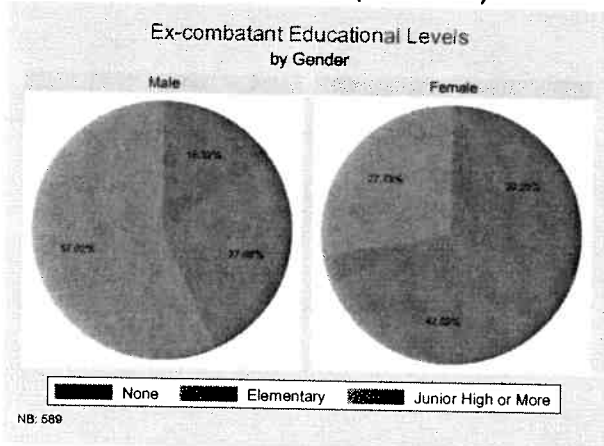
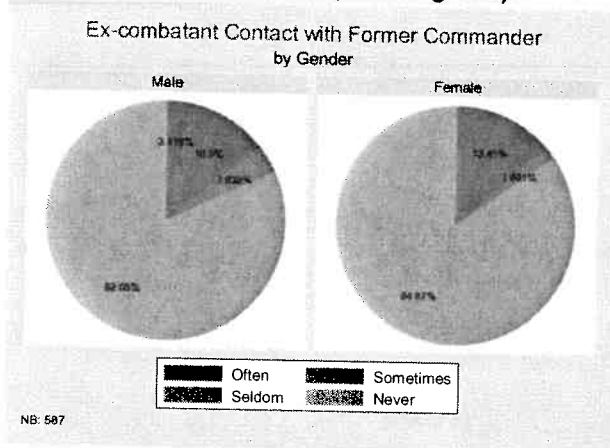


Figure 48: Gender - Political (Breaking Ties)

3.4.6 Key Patterns

Evaluating post-conflict ex-combatant reintegration is a quite complex endeavor. Four dimensions of reintegration – social, economic, political, and psychological – have been examined in this section and have yielded some interesting patterns. With regard to the social dimension, understanding “acceptance” continues to be challenge, but the construct introduced in this study which asks for the respondents’ “perceived” view of community acceptance shows promise in obtaining a degree of variance. In general, both variables illustrated findings that showed that reconciliation is on the right track in Liberian communities. Resettlement also proved to surface some interesting patterns by faction. The former Taylor fighters were the least likely to return to their home communities as of the time of the survey – 43% had not yet returned home. The LURD reported a rate of almost 63%, while fully 75% of the MODEL fighters had returned to their home communities – the highest return rate of any faction.

Significant insight has been gained through the incorporation of the construct developed to determine employment status. The differences in employment status patterns in the urban Monrovia area vice the rest of the country illustrate the need to plan for varied economic opportunities. The primacy of self-employed ventures in the lives of former combatants also became apparent. Politically, across factions and categories of intervention, the former combatants are actively involved in the politics of their country. They also appear to be breaking their ties to their former factions with great consistency. Unfortunately, tangible results that illustrate a linkage between “self-esteem” and reintegration were not achievable in the report, but the exploratory findings with this construct appear quite promising.

Annex C

(our education measure takes a value of 0 for no education, 1 for at least some primary, and 2 for at least some secondary education) were less likely to find employment in postconflict Sierra Leone. We find no relationship, however, between an individual's socioeconomic status and the likelihood that they break ties with their factions.

In addition, we include a series of measures reflective of an individual's personal experience of the war. These measures include whether fighters were abducted into a faction, whether they joined because they supported the political causes of the faction, and whether they served as officers. Each of these variables is measured using a single question administered during the survey.

We find that although there is a strong, negative bivariate relationship (not reported) between whether an individual was abducted and his or her progress in gaining acceptance, the relationships are weaker once we condition on faction effects. We find a relationship between abductee status and reintegration rates on only one indicator: abductees were considerably more likely to turn to government for support rather than to rely on traditional, factional, or international sources of support. The relationship between political motivations for participation and our indicators of reintegration appears particularly complex. If individuals joined because they supported the cause of the group, they face more difficulty gaining acceptance in the postwar period and are more likely to remain attached to their factions. Strong believers, across factions, have a harder time readjusting to civilian life. Surprisingly, however, these individuals also appear to place the greatest faith in the electoral process.

Disturbingly, across most measures, higher ranking officers in the various military factions encounter more severe problems in reintegration. While these relationships are generally not significant, we do find a strong rejection of democratic processes among higher ranking officers.

The final measure of the individual's experience of the war captures a characteristic of the units in which they fought. Substantial differences exist in Sierra Leone across the fighting factions, but for the purposes of this analysis, we focus on one key group characteristic that is likely to affect an individual's prospects in the postwar period: the extent to which a unit was highly abusive toward civilian populations. To the extent that individuals committed heinous crimes against noncombatants, one might expect that they would face a more difficult process of gaining acceptance by community members and resettling into a non-military way of life. Our measure used answers to eight related questions given by respondents who fought in the same area, for the same faction, during the same period of the war. The weights derived from a factor analysis were then used to create a single measure, *abusiveness*, which ranges from 0 to 1.⁸ Controlling for faction-level fixed effects, this measure is strongly and negatively associated with an individual's reported ease in gaining acceptance. Individuals from nonabusive units exhibit acceptance levels nearly one standard deviation

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Annex D



SPECIAL COURT FOR SIERRA LEONE
OFFICE FOR THE DEFENCE OF CHARLES TAYLOR
Jomo Kenyatta Road, Freetown, Sierra Leone +232 22 29 7803

STATEMENT OF WITNESS MANAGEMENT OFFICER

I, IBRAHIM KARGBO, the Witness Management Officer in the Freetown Office of the Charles Taylor Defence Team at the Special Court for Sierra Leone since July 2008, state as follows:

1. I am a trained police officer and was a Detective Constable in the Sierra Leone Police Force before resigning from the Force in March 2005.
2. While in the Force, I acquired 15 years experience in investigative work. Thus, I have considerable experience in sourcing witnesses, investigation, and assessing risk to informants and persons closely associated with them.
3. At the Special Court, I have previously worked as an investigator with the Ibrahim Bazy Kamara Defence Team and as a Witness Management Officer with the Issa Sesay Defence Team. In those capacities, I have interviewed over 100 Sierra Leonean witnesses and have accumulated a great deal of knowledge pertaining to the fighting factions. Likewise, I have gained an appreciation for the risks that accompany those who are seen to be associating with or testifying on behalf of former SLA soldiers, AFRC junta members, and RUF ex-combatants.
4. Most recently, as Witness Support Assistant for the Taylor Defence Team, part of my duties involves the coordination of witness readiness for trial. It is my responsibility to provide information to the Local Investigator, Legal Assistants and Counsel on all issues that promote or impede the willingness and readiness of witnesses to testify. It involves travelling around Sierra Leone and on occasion to Liberia, identifying the witnesses, assessing witnesses' support needs and reporting their concerns to the relevant authorities, including as appropriate, the Witness and Victim Section.
5. Since my appointment to the Taylor Defence Team, I have met and held discussions with a considerable number of our potential witnesses. These witnesses have been previously spoken to by our Local Investigator(s) and/or Legal Assistant. These witnesses necessarily include talking to six categories of witnesses:
 - a. Sierra Leonean Army personnel (former and serving);
 - b. RUF ex-combatants;
 - c. CDF ex-combatants;
 - d. Liberian ex-combatants (NPFL, STF, ULIMO, LURD and otherwise);
 - e. High-profile political figures (former and current); and
 - f. Civilians.
6. These meetings provided me an opportunity to not only hear their experiences during the conflict but also to assess their concerns and ultimately assess their security situation while participating in a high-profile case such as this. Furthermore, I was able to assess their capacity to deal with a foreign atmosphere such as the safe house and court room in The Hague. Significantly, I have been



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- able to assess the anxieties expressed by the witnesses about their involvement in the case.
7. The case against former President Taylor is a unique case before the Special Court, because of the media and political attention given to it in Sierra Leone, Liberia, West Africa and the international community. Because it is in the spotlight to such an extent, potential witnesses are even more concerned about potential negative repercussions of testifying. Charles Taylor is controversial figure and is blamed by many throughout Sierra Leone for the atrocities that happened in their country. Thus, those who are seen to support him by testifying on his behalf are regarded disapprovingly.
 8. Specifically, ex-combatants and high-profile political or community members fear reprisals ranging from stigmatization and being ostracized from their community, to loss of employment, to intimidation and to physical violence from anti-Taylor or anti-rebel people.
 9. Additionally, many potential witnesses have complained that they have had unwelcome contact from the Prosecution and/or its investigators or associates. Many potential witnesses have received regular phone calls and visits by or on behalf of the Prosecution and are concerned that if they are now seen to be cooperating with the Defence, reprisals will be taken against them. Some witnesses have even expressed fear of being indicted or taken into custody themselves.
 10. Because of this, potential witnesses have requested that their identities remain anonymous for as long as possible prior to testimony, and possibly while giving testimony itself.
 11. I was in Freetown during what has become known as the "junta period", that is to say, from May 1997 to February 1998 and during the invasion of Freetown during January 1999, and consequently, I have first-hand experience of the atrocities committed during the conflict and an understanding of the resentment many Sierra Leoneans have against former members of the warring factions. The general public has a vitriolic attitude toward these fighters; the more so against Charles Taylor whom they believe to be responsible for it all.
 12. By virtue of the above, I hereby state that:
 - a. The majority of Sierra Leoneans still harbour grievances against the former AFRC junta members, RUF ex-combatants, and their associates;
 - b. On the basis of public opinion, most Sierra Leoneans consider Charles Taylor responsible for the atrocities committed in Sierra Leone, although they cannot explain how or why he was involved;
 - c. Potential witnesses fear stigmatization and loss of livelihoods or positions of esteem if seen to be associated with Charles Taylor's defence;
 - d. Potential witnesses fear contact with and retribution from the Prosecution, and/or its investigators or associates.



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13. From my assessment of the situation, I strongly believe that these fears are real and genuine and that if the identities of the potential witnesses are not protected at this stage, the Defence will not be able to ensure further cooperation.
14. I am therefore of the view that in order to protect Charles Taylor's right to bring witnesses on his behalf, and for the benefit of the Trial Chamber in the search for truth, it is imperative that the witnesses receive protection.

I, IBRAHIM KARGBO, 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 willingly or knowingly made a false statement herein.

6 May 2009

A handwritten signature in black ink, appearing to read 'Ibrahim Kargbo', is written over a horizontal line.

Ibrahim Kargbo
Witness Management Officer
Taylor Defence Team
Special Court for Sierra Leone

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Annex E



**SPECIAL COURT FOR SIERRA LEONE
OFFICE FOR THE DEFENCE OF CHARLES TAYLOR**
Spriggs Payne Airfield, Monrovia, Liberia

STATEMENT OF INVESTIGATOR

1. JOHN D. GRAY, the Lead Investigator in the Monrovia Office of the Charles Taylor Defence Team at the Special Court for Sierra Leone, state as follows:

1. I am a former Senator from Grand Cape Mount County and the former Vice-President of the Republic of Liberia. I have been involved in Liberian politics for the past 15 years.
2. I have served as an investigator for the Taylor Defence Team since approximately June 2007 and in the course of my investigations, I have spoken to a multitude of ex-combatants and political figures throughout West Africa.
3. As such, I understand the pressures faced by diplomats and high-profile political figures. Specifically, in the context of post-war Liberia, where the process of the consolidation of peace is still fragile and on-going, I appreciate that high-profile figures are reluctant to publicly take unpopular stands on controversial issues.
4. There is significant hostility within the Sirleaf administration toward ex-NPFL combatants and toward those considered associates of former President Charles Taylor.
5. In a society where employment and livelihoods are largely dependent on being in the "good books" of the government of the day, it is not easy for people to publicly support Mr. Taylor. Indeed, I have faced stigmatization and harassment by former friends and colleagues and political figures in my own work as an Investigator on the Defence Team.
6. Additionally, the United Nations Security Council Travel Ban and Assets Freeze have a stifling effect on those people who may otherwise be very vocal in their defence of Charles Taylor. Those who are on the Travel Ban and/or Assets Freeze are afraid that if they are seen to be cooperating with Mr. Taylor's defence team, or indeed testifying on his behalf, they will never be removed from those lists. Those who are not already on the Travel Ban and/or Assets Freeze are afraid that they will wake up to find themselves on the list if found to have cooperated with the defence team.
7. Ex-combatants in Liberia, especially former NPFL fighters are still at the fringes of society and are not keen on associating with their former Chief, as this tends to further jeopardize their reintegration progress.
8. Many potential defence witnesses have come to me with concerns that they are being watched or followed by people from the Office of the Prosecution at the Special Court or their associates. One witness reports having changed his phone number to avoid repeated unwelcome calls from Prosecution investigators. Potential witnesses also complain of being watched by the government. Thus, potential witnesses are hesitant to be seen involving themselves with the Defence

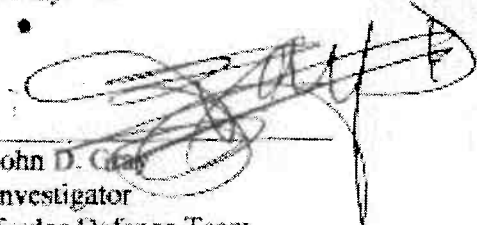


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Spriggs Payne Airfield, Monrovia, Liberia

- Team because they feel it will attract further attention and interference from the Prosecution and/or Liberian government.
9. Furthermore, many witnesses are afraid that if they cooperate with the Defence, instead of the Prosecution and/or Liberian government, they will be charged with crimes themselves, and/or be taken into custody. Liberia is currently taking part in a Truth and Reconciliation Commission, and witnesses are concerned that what they may say in the context of the Special Court may later be used against them in judicial proceedings in Liberia or elsewhere.
 10. My duties as an investigator place me in a position to evaluate witnesses' concerns and misgivings about giving a statement or testifying for the Defence.
 11. Specifically, ex-combatants and high-profile political or community members fear reprisals ranging from stigmatization and being ostracized from their community, to loss of employment, to intimidation and to physical violence from anti-Taylor or anti-rebel people.
 12. From my assessment of the situation, I strongly believe that these fears are real and genuine and that if the identities of the potential witnesses are not protected at this stage, the Defence will not be able to ensure further cooperation.
 13. I am therefore of the view that in order to protect Charles Taylor's right to bring witnesses on his behalf, and for the benefit of the Trial Chamber in the search for truth, it is imperative that the witnesses receive protection.

I, JOHN D. GRAY, 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 willingly or knowingly made a false statement herein.

6 May 2009


John D. Gray
Investigator
Taylor Defence Team
Special Court for Sierra Leone