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SCSL-03-01-PT  
(4266 - 4304)

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**THE SPECIAL COURT FOR SIERRA LEONE**

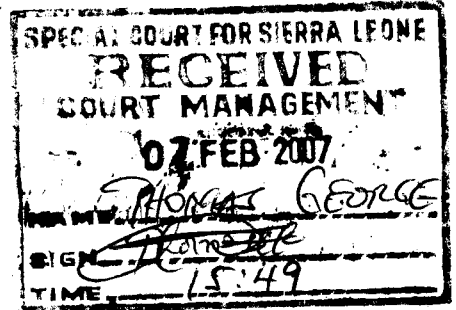
**In Trial Chamber II**

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

Registrar: Mr. Lovemore G. Munlo, SC

Date: 7 February 2007

Case No.: SCSL-2003-01-PT



**THE PROSECUTOR**

-v-

**CHARLES GHANKAY TAYLOR**

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PUBLIC

**DEFENCE MOTION TO LIFT THE REDACTIONS OF  
IDENTIFYING INFORMATION OF FIFTEEN CORE WITNESSES**

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**Office of the Prosecutor**

Mr. Stephen Rapp  
Mr. Christopher Staker  
Mr. James C. Johnson  
Ms. Brenda Hollis  
Ms. Wendy van Tongeren  
Ms. Shyamala Alagendra  
Mr. Alain Werner  
Ms. Leigh Lawrie

**Counsel for Charles Taylor**

Mr. Karim A. A. Khan  
Mr. Roger Sahota

## I. Introduction

1. The Defence for Mr. Charles Ghankay Taylor file this Motion pursuant to Article 17(4)(b) of the Statute of the Special Court for Sierra Leone (“the Statute”) and Rule 73(a) of the Special Court’s Rules of Procedure and Evidence (“the Rules”) requesting that the Trial Chamber order the Prosecution to disclose, to the Defence alone, the unredacted witness statements of fifteen core witnesses, including their names. The Defence does not seek disclosure of the current addresses or locations of these witnesses.
2. Out of an abundance of caution, the Defence has provided the list of pseudonyms of the 15 core witnesses, a brief summary of their evidence as well as specific details explaining the need for disclosures of identifying material of these particular 15 core witnesses, in a confidential Annex A. Additionally, the Defence has provided examples of redacted disclosures of public transcripts, available on the internet, in a public Annex B.

## II. Procedural Background

3. The Trial Chamber initially authorised the Prosecution to withhold the identities of 46 witnesses from the Defence and the public until 42 days prior to their testimonies in a decision dated 05 May 2006.<sup>1</sup>
4. By the *Decision on Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure*, dated 15 September 2006, which was confirmed on 05 October 2006,<sup>2</sup> and the *Decision on Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, One of which Filed Ex Parte*, dated 22 January 2007,<sup>3</sup> the Trial Chamber authorised extensions of the Protective Measures Order, set out in the Trial Chamber’s 05 May 2006 Protective

<sup>1</sup> *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-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 (“05 May 2006 Protective Measures Decision”).

<sup>2</sup> *Prosecutor v. Charles Taylor*, SCSL-03-01-PT, Decision on Defence Motion to Set Aside and/or Reconsider Trial Chamber’s “Decision on Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure” dated 15 September 2006, 05 October 2006.

<sup>3</sup> *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-163, Decision on Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, One of Which Filed Ex Parte, 22 January 2007.

Measures Decision, to 27 additional witnesses. In total, the Trial Chamber has allowed the Prosecution to withhold 73 identities from the public and defence. The Provisional Prosecution Witness List dated 22 September 2006 counts over 170 additional Prosecution witnesses already protected by orders in other trials. The Trial Chamber has ruled that, “pursuant to Rule 75(F) of the Rules such protective measures shall continue to have effect *mutatis mutandis* in these proceedings”.<sup>4</sup>

5. Save for the last Prosecution Request,<sup>5</sup> the Defence did not oppose any of the measures sought. However, in its *Confidential Defence Response to “Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure”*, filed on 15 September 2006, the Defence gave notice of its intention to file motions for the disclosure of identifying information of certain insider or “nexus” witnesses, imperative to enable the Defence to adequately prepare for trial.<sup>6</sup>
  
6. The Defence accepted the Prosecution’s protective measures only conditionally.<sup>7</sup> The Trial Chamber noted these conditions in its Decision of 05 October 2006, stating that “while the Defence does not at present oppose the main protective measures sought by the Prosecution, it may at a later stage of the Defence pre-trial preparations apply to the Trial Chamber for orders varying the protective measures where necessary to ensure the Article 17 rights of the Accused. We also take into account the notice given by the Defence of this intention to file such motions as are necessary to enable it to effectively prepare for trial”.<sup>8</sup>

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<sup>4</sup> 05 May 2006 Protective Measures Decision, pg. 2.

<sup>5</sup> *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-138, Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, One of which filed Ex Parte, 08 December 2006. The Defence raised objections. See *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-155, Defence Response to “Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, one of which filed Ex Parte”, 08 January 2007 (The Defence’s principal ground for opposing the Prosecution Protective Measures Motion was the Prosecution’s excessive use of “exceptional circumstances”).

<sup>6</sup> *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-120, Confidential Defence Response to “Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure”, 15 September 2006, para. 6.

<sup>7</sup> *Id.*, para. 3 (The Defence stated that “such measures can be reviewed by the parties and, if necessary, the Trial Chamber, as the Defence’s preparations for trial advance, in order to vary such measures as are necessary for the fair and effective preparation of the defence of Mr. Taylor in accordance with Article 17 of the Statute of the Special Court (“*the accused...shall.. have adequate time and facilities for the preparation of his defence.*”)”).

<sup>8</sup> *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-125, Decision on Defence Motion to Set Aside and/or Reconsider Trial Chamber’s “Decision on Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for non-Public Disclosure” dated 15 September 2006, 05 October 2006, para. 25.

7. Accordingly, due to new circumstances and lack of agreement with the Prosecution on this matter, the Defence presently file this Motion with the Trial Chamber, requesting disclosure of identities and identifying materials of these core witnesses whose speedy disclosure is essential to Mr. Taylor's effective preparation for trial. Disclosure of the requested materials cannot be delayed until 42 days prior to the testimonies of these fifteen witnesses for reasons explained in this Motion.

### III. Legal Criteria

8. Protective measures do not pre-empt the right of the accused to have adequate time and facilities for the preparation of his defence.<sup>9</sup> This follows from the statutory right of the Accused pursuant to Article 17(4)(b) to have adequate time to prepare his defence and Rule 69(C) according to which "the identity of the victim or witness shall be disclosed in sufficient time before a witness is to be called to allow adequate time for preparation of the prosecution and the defence".
9. In accordance with Rule 75(A), appropriate measures to safeguard the privacy and security of victims and witnesses can only be ordered if "the measures are consistent with the rights of the accused". Pursuant to Rule 75(I), applications to rescind, vary or augment protective measures in respect of a victim or witness can be made to the appropriate Trial Chamber of Judge.
10. Whether the preparation time is adequate is a case-to-case determination and must be assessed in light of the statutory rights of the accused.<sup>10</sup> Factors to be considered are the importance of the witnesses, the intensity of the defence investigations that need to be carried out, and the volume of the disclosure materials.<sup>11</sup>

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<sup>9</sup> *Prosecutor v Bagosora et al*, No. ICTR-98-41-T, Decision on Modification of Special Protective Measures for Witness BY, 15 March 2004 ("Bagosora Decision on Modification").

<sup>10</sup> *Prosecutor v. Bagosora et al*, No. ICTR-98-41-T, Decision on Defence Motion for Reconsideration of the Trial Chamber's Decision and Scheduling Order of 5 December 2001, 18 July 2003, paras. 13 and 15 ("Bagosora Decision on Reconsideration").

<sup>11</sup> Bagosora Decision on Modification, para. 5; *Prosecutor v. Brdanin and Talic*, IT-99-36-PT, Decision on Motion by Prosecution for Protected Measures, 3 July 2000, paras. 34 and 38.

11. Given the excessively high number of redacted witness statements that is a feature of this case,<sup>12</sup> that the trial will be conducted in a location far removed from the investigations, at a date much earlier than required by the Defence in order to have been ready for trial, and the importance of the statements for which full disclosure is now sought, the conclusion that the continued non-disclosure of the names and unredacted statements of the fifteen core witnesses detailed in Annex A, is of fundamental prejudice to the Defence and militates against a fair trial is, with respect, compelling.
12. A Trial Chamber may modify a Protective Measures Order if the circumstances on which basis the Protective Measures Order was based, have changed. Whether a change in circumstances justifies modification of the protective measures scheme in place must be evaluated in light of the Trial Chamber's twin obligation to respect the rights of the accused, with due regard to the interests of witness protection.<sup>13</sup> A differentiation should be made between a request for disclosure to the public at large and to the Defence. Where the request for disclosure concerns the Defence only, not the public and media, the Prosecution must demonstrate that such disclosure exclusively to the Defence increases the threat to witnesses. Unless there is evidence, direct or indirect, to substantiate such an allegation, it must be assumed that the Defence will abide by their obligations of confidentiality. Unsubstantiated claims of witness interference cannot justify an infringement of the right of the Accused to have adequate preparation time.<sup>14</sup>

#### IV. Changed Circumstances

13. In authorising a 42-day period between the disclosure of the witness identity and the witness's testimony, the Trial Chamber attempted to strike the right balance between "the

<sup>12</sup> Out of 273 witnesses, mentioned in the Prosecution Provisional Witness List, dated 22 September 2006, only 6 names have been disclosed to the Defence.

<sup>13</sup> Bagosora Decision on Reconsideration, para. 18. For similar considerations regarding the necessity to balance the interests of the Accused with those of victims and witnesses, see, for example, *Prosecutor v. Norman et al*, SCSL-04-14-T-126, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 8 June 2004, para. 27; *Prosecutor v. Gbao*, SCSL-03-09-PT-48, Decision on the Prosecution Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 10 October 2003, para. 47; *Prosecutor v. Sesay at al*, SCSL-04-15-T-68, Decision on Sesay Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 30 November 2006, para. 17; *Prosecutor v. Sesay at al*, SCSL-04-15-T-180, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 5 July 2004; *Prosecutor v. Sesay*, SCSL-03-05-PT-38, Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 23 May 2003, para. 9; and *Prosecutor v. Musema*, Case No. ICTR-96-13-A, Judgement (AC), 16 November 2001, paras. 68-69.

<sup>14</sup> Bagosora Decision on Reconsideration, para. 21.

need to safeguard the privacy and protection of witnesses and victims with the rights of the Accused to a fair trial in the context of the specific measures sought".<sup>15</sup>

14. The Defence respectfully submits that, due to a change in circumstances, a modification of the Protective Measures Order in respect of the fifteen witnesses subject to this Motion is justified. Faced with over 260 redacted witness statements, none of which will be disclosed to the Defence until 42 days prior to their testimonies, with no Pre-Trial Brief as a guide for witness priority, the Defence is encumbered with seemingly insurmountable difficulties in adequately preparing the defence. Given the critical nature of the fifteen witnesses specified, effective investigations can only be conducted once the identities of these accusers are known and the full contents of their statements disclosed.
15. The Defence has to conduct most of its investigations prior to trial given the geographical disjunction between the location of the trial and those of the investigations.<sup>16</sup> From this week onwards several members of Mr. Taylor's Defence Team will be travelling to Liberia and Sierra Leone to engage in investigations. Such investigations can only be adequate and meaningful if the Defence is in possession of the identities and identifying materials of the witnesses.
16. The Defence maintains its position that the Prosecution's use of exceptional circumstances in justification of its redactions is excessive, both in respect of the number of witnesses subject to blanket protection, and the extent to which the Prosecution has redacted the disclosure material. For instance, it is capricious and without obvious sense, that the Prosecutor has redacted *public, open session* transcripts of witnesses in other trials, which was and is available to the world at large, when serving it upon the Defence. Annex B provides ten examples of such strangely redacted disclosures of public documents. At the very least, such behaviour demonstrates an example of over-zealousness on the part of the Prosecution, as well as an unjustifiable lack of courtesy to fellow officers of the court.

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<sup>15</sup> 05 May 2006 Protective Measures Decision, pg. 3.

<sup>16</sup> In the Bagosora Decision on Reconsideration, para. 24, the Trial Chamber explicitly recognised the difficulty for Defence teams in conducting "adequate investigations regarding new disclosures while concurrently attending their duties in the courtroom".

**V. Disclosure of the Identities of the 15 Witnesses is Essential**

17. The Defence requests that the redactions be lifted for fifteen core witnesses whose evidence is connected with events involving alleged diamond and weapons exchanges between members of the RUF and Mr. Taylor. These allegations are core to the Prosecution case and are inter-related to one another. The witnesses appear to cross-reference each other and events, although the redactions prevent the Defence from concluding with any certainty who the witnesses refer to. In order to properly prepare Mr. Taylor's case, the credibility of the Prosecution witnesses needs to be challenged *inter alia* by cross-referencing their anticipated testimonies and comparing their various versions of similar events. Given the importance of these allegations and the amount of work to be done, the Defence cannot wait until 42 days prior to their respective testimonies.
18. The Defence urgently requires the unredacted information in the statements to properly conduct this exercise of cross-referencing, to piece together and assess the evidence the Prosecution seeks to rely on in its attempt to prove the charges in the indictment. Furthermore, the Defence require the requested relief in order to make immediate further inquiries, obtain instructions and conduct interviews with potential witnesses which could assist in assessing the credibility of these fifteen witnesses and the evidence they will, apparently, give about Mr. Taylor's alleged involvement in diamond and weapons deals with the RUF.

**VI. No Increased Threat to the Witnesses**

19. The Defence does not request that the identities of these witnesses and other identifying materials be disclosed to the public or the media. The request for modification of the Protective Measures Order, set out in the Trial Chamber's 05 May 2006 Protective Measures Decision, is limited to disclosure to the Defence only, based on its right to have adequate time to prepare. The witnesses will continue to be referred to under pseudonyms in all public proceedings before the Tribunal. There is no reason to deny the Defence access to the names and unredacted statements of the fifteen core witnesses mentioned in Confidential Annex A.
20. Apart from unsubstantiated allegations of witness interference by Mr. Taylor's supporters, the Prosecution has not provided any credible evidence to suggest that Mr. Taylor or any of

the members of his Defence team have, at any point in time, engaged in improper witness interference. Mr. Taylor and his Defence Team are all bound by the Protective Measures Order set out in the Trial Chamber's 05 May 2006 Protective Measures Decision. As stated previously<sup>17</sup> and as confirmed by Judge Doherty at the Status Conference of 26 January 2007,<sup>18</sup> unless there is evidence suggesting the contrary, the expectation is that both the Defence team and the Accused will abide by the Protective Measures Order. It is in the interest of the Defence to strictly abide by its obligations of confidentiality.<sup>19</sup>

21. The Defence will further at all times respect and abide by its obligations described in the Code of Professional Conduct for Counsel with the Right of Audience before the Special Court for Sierra Leone,<sup>20</sup> pursuant to which, in dealing with witnesses, counsel shall: "subject to the Rules of Procedure and Evidence, preserve confidentiality, and not disclose information which may jeopardise the privacy, safety and security of victims and witnesses, in particular, those witnesses who have been afforded protective measures under Rule 69 or Rule 75 of the Rules".<sup>21</sup>
22. The Defence, moreover, has protocols in place to ensure that all members of the Defence Team take the necessary care in safeguarding witness protection in conducting investigations and to ensure safe custody of all confidential Prosecution disclosure. In accordance with the protocols, if during interviews with potential local or international witnesses, it is specifically necessary to make inquiries about a protected witness in preparing the Defence case, it will not be revealed that the person is a witness who may testify before the SCSL. The Defence would further be willing to give careful thought to any specific measures considered necessary by the Prosecution in order for the required non-redacted disclosure to be provided to the Defence without delay.

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<sup>17</sup> *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-155, Defence Response to "Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, one of which filed Ex Parte," 08 January 2007, para. 21.

<sup>18</sup> *Prosecutor v. Charles Taylor*, SCSL-03-01-PT, Third Status Conference, Transcript, 26 January 2007, pg. 15 lns. 17-22 (Judge Doherty stated: "It is my view that the protective measures in place which bind the Defence will also bind the accused, and therefore he is equally bound not to reveal or disclose any materials. And I would like to think that anyone bound by a court order will obey the court order until I have evidence to the contrary").

<sup>19</sup> See *Bagosora Decision on Reconsideration*, para. 21 (the Chamber duly considered that "during the hearing, Defence Counsel undertook in strong terms to ensure that no such misconduct flowed from their teams, and recognized that any failure to strictly abide by their obligations of confidentiality would militate strongly against their interest").

<sup>20</sup> This Code of Professional Conduct was adopted on 14 May 2005, and amended on 13 May 2006.

<sup>21</sup> Article 10(A)(i) of the Code of Professional Conduct.



23. The Prosecution's accusations made against the Defence for lack of caution in treating disclosed non-public material relating to Prosecution witnesses is baseless, and violates the spirit of the professional bar, in reference to which the members of Mr. Taylor's Defence Team conduct themselves.<sup>22</sup> In the appendix to its "Urgent and Public: Defence Motion for Urgent Reconsideration of "Decision on Defence Motion for Leave to File an Oversized Motion: 'Defence Motion on Adequate Time and Facilities for the Preparation of Mr. Taylor's Defence'", filed on 12 December 2006,<sup>23</sup> which the Defence immediately and voluntarily filed confidentially upon the Prosecution's request,<sup>24</sup> the Defence indeed made references to statements made by protected witnesses but did so with the utmost care not to disclose to the public any information that could potentially lead to the identification of any Prosecution witnesses. The portions deducted from Prosecution witness statements were heavily redacted and omitted any names of persons or locations that could lead to the witness's identification. Thus, to use that example to demonstrate that the Defence, willingly or unwillingly may act irresponsibly with regard to sensitive information is unsubstantiated, an insult to the Defence's integrity, and ultimately unconvincing.
24. The Prosecution has further referred to the Defence's submission that the number of witnesses who are protected pursuant to Rule 75(F) by orders set out by other Trial Chambers is unknown, as an indicator that the Defence may accidentally disclose identifying materials.<sup>25</sup> This submission is purely speculative and without merit. For the time being, the only indication of which witnesses will testify against Mr. Taylor is a provisional witness list.

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<sup>22</sup> *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-159, Confidential Prosecution Reply to Defence Response to "Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, one of which is filed Ex Parte", 15 January 2007, para. 5 ("Confidential Prosecution Reply"). Subsequently, in a Partially Dissenting Opinion, Justice Doherty acknowledged that the Prosecution's submission that "it cannot be excluded that protected information about these witnesses will be disclosed by the Defence contrary to the terms of the protected measures ordered by the Chamber, notwithstanding even the best good faith efforts of the Defence" (Confidential Prosecution Reply, para. 5) was unsubstantiated and speculative. Justice Doherty stated that such a submission "carries an implication that someone in or associated with the Defence would deliberately or recklessly breach an order of the court. I am not prepared to accept such an implication without evidentiary foundation." *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-163, Partially Dissenting Opinion to the Decision on Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, One of which Filed Ex Parte, 22 January 2007, para. 3.

<sup>23</sup> *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-140, Defence Motion for Urgent Reconsideration of "Decision on Defence Motion for Leave to File an Oversized Motion: 'Defence Motion on Adequate Time and Facilities for the Preparation of Mr. Taylor's Defence'", 12 December 2006.

<sup>24</sup> See *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-144, Confidential Prosecution Motion Requesting the Re-filing on a Confidential Basis of the "Urgent and Public: Defence Motion for Urgent Reconsideration of "Decision on Defence Motion for Leave to File an Oversized Motion: 'Defence Motion on Adequate Time and Facilities for the Preparation of Mr. Taylor's Defence'", 14 December 2006.

<sup>25</sup> Confidential Prosecution Reply, 15 January 2007, para. 6.

4275

In the absence of a pre-trial brief, the Defence is without a road map for the preparation of the defence, and is therefore not in a position to have full knowledge on matters such as the exact number of witnesses who are protected by orders made by other Trial Chambers. Nevertheless, the Defence continues to operate on the side of caution, and does not disclose any information unless the Defence is absolutely certain that a witness is not subject to any protective order.

25. Thus, disclosure to the Defence of the requested identities at this stage, rather than 42 days prior to their testimonies, does not put any of the witnesses in danger while, at the same time, such disclosure is necessary for the Defence to adequately prepare the defence case for trial and, in particular, the cross-examination of these witnesses. Given these circumstances, balancing the need for protection of witnesses with the defendant's right to a fair trial at this stage requires disclosure of the requested identities of the fifteen core witnesses as soon as practicable.

**VI. Conclusion**

26. On these grounds, the Defence requests that:

- (i) the Protective Measures Order be modified in respect of the fifteen core witnesses whose pseudonyms are enclosed in Confidential Annex A; and
- (ii) the Trial Chamber order the Prosecution to disclose the witnesses' names and statements without redactions to the Defence only, as soon as practicable.

Respectfully Submitted,



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**Karim A. A. Khan**  
**Counsel for Mr. Charles Taylor**

Dated this 7<sup>th</sup> Day of February 2007

## Table of Authorities

### Special Court for Sierra Leone – *Prosecutor v. Charles Taylor*

1. *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-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, 05 May 2006.
2. *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-120, Confidential Defence Response to “Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure”, 15 September 2006.
3. *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-125, Decision on Defence Motion to Set Aside and/or Reconsider Trial Chamber’s “Decision on Urgent Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure” dated 15 September 2006, 05 October 2006.
4. *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-138, Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, One of which filed Ex Parte, 08 December 2006.
5. *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-144, Confidential Prosecution Motion Requesting the Re-Filing on a Confidential Basis of the “Urgent and Public: Defence Motion for Urgent Reconsideration of “Decision on Defence Motion for Leave to File an Oversized Motion: ‘Defence Motion on Adequate Time and Facilities for the Preparation of Mr. Taylor’s Defence’”, 14 December 2006.
6. *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-155, Defence Response to “Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, one of which filed *Ex Parte*”, 08 January 2007.
7. *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-159, Confidential Prosecution Reply to Defence Response to “Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, one of which is filed Ex Parte”, 15 January 2007.
8. *Prosecutor v. Charles Taylor*, SCSL-03-01-PT-163, Decision on Confidential Prosecution Motion for Immediate Protective Measures for Witnesses and for Non-Public Disclosure with Four Annexes, One of Which Filed Ex Parte, 22 January 2007.
9. *Prosecutor v. Charles Taylor*, SCSL-03-01-PT, Third Status Conference, Transcript, 26 January 2007.  
Online: <http://scsl-server/sc-sl/new/Transcripts/Taylor/CGT26JAN07SC.pdf>

**Special Court for Sierra Leone – Other Materials**

10. *Prosecutor v. Sesay*, SCSL-2003-05-PT-38, Decision on the Prosecutor's Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 23 May 2003.
11. *Prosecutor v. Gbao*, SCSL-2003-09-PT-48, Decision on the Prosecution Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 10 October 2003.
12. *Prosecutor v. Norman et al*, SCSL-04-14-T-126, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 8 June 2004.
13. *Prosecutor v. Sesay et al*, SCSL-04-15-T-180, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 5 July 2004.
14. *Prosecutor v. Sesay et al*, SCSL-04-15-T-68, Decision on Sesay Defence Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure, 30 November 2006.
15. Code of Professional Conduct for Counsel with the Right of Audience before the Special Court for Sierra Leone, adopted on 14 May 2005, and amended on 13 May 2006.  
Online: <http://www.sc-sl.org/Documents/counselcodeofconduct.pdf>

**International Criminal Tribunal for Rwanda**

16. *Prosecutor v. Musema*, Case No. ICTR-96-13-A, Judgement (AC), 16 November 2001.  
Online: <http://69.94.11.53/ENGLISH/cases/Musema/judgement/Arret/index.htm>
17. *Prosecutor v. Bagosora et al*, No. ICTR-98-41-T, Decision on Defence Motion for Reconsideration of the Trial Chamber's Decision and Scheduling Order of 5 December 2001, 18 July 2003.  
Online: <http://69.94.11.53/ENGLISH/cases/Bagosora/decisions/180703.htm>
18. *Prosecutor v. Bagosora et al*, No. ICTR-98-41-T, Decision on Modification of Special Protective Measures for Witness BY, 15 March 2004.  
Online: <http://69.94.11.53/ENGLISH/cases/Bagosora/decisions/040315.htm>

**International Criminal Tribunal for Yugoslavia**

19. *Prosecutor v. Brdanin and Talic*, IT-99-36-PT, Decision on Motion by Prosecution for Protected Measures, 3 July 2000.  
Online: <http://www.un.org/icty/brdjanin/trialc/decision-e/00703PM213035.htm>



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Court Management Section – Court Records

**CONFIDENTIAL DOCUMENT CERTIFICATE**

This certificate replaces the following confidential document which has been filed in the *Confidential* Case File.

Case Name: The Prosecutor – v- Charles Ghankay Taylor  
Case Number: SCSL-2003-01-PT  
Document Index Number: 176  
Document Date 7 February 2007  
Filing Date: 7 February 2007

Number of Pages 39

Page Numbers from: 4266-4304

- Application
- Order
- Indictment
- Motion**
- Correspondence

Document Title:

**Defence Motion To Lift The Redactions Of Identifying  
Information Of Fifteen Core Witnesses**

Name of Officer:

Thomas George

Signed:

PUBLIC

**ANNEX B**

**Examples of Redacted Disclosures of Public, Open Session Transcripts**

- TF1-015, RUF Trial Transcript, 28 January 2005, pg. 15
- TF1-019, AFRC Trial Transcript, 30 June 2005, pg. 84
- TF1-021, AFRC Trial Transcript, 15 April 2005, pg. 33
- TF1-028, RUF Trial Transcript, 17 March 2006, pg. 105
- TF1-029, RUF Trial Transcript, 28 November 2005, pg. 9
- TF1-031, RUF Trial Transcript, 17 March 2006, pg. 88
- TF1-033, AFRC Trial Transcript, 11 July 2005, pg. 34
- TF1-035, RUF Trial Transcript, 5 July 2005, pg. 95
- TF1-139, RUF Trial Transcript, 5 October 2004, pg. 161
- TF1-141, RUF Trial Transcript, 15 April 2005, pg. 54

4225

1 Q. Did you come to learn who ordered the transfer of [REDACTED]

2 [REDACTED] from Wundidu?

3 A. No.

4 Q. Do you know where he was transferred to?

5 A. Yes.

6 Q. Where was he transferred to?

7 A. He said Tombudu.

8 PRESIDING JUDGE: Well, the witness had said so.

9 MR ISCANDARI: I wanted to make it clear for the Court.

10 PRESIDING JUDGE: But we want to gain time. We don't want

11 repetitions.

12 JUDGE BOUTET: We can get you the first time. You need not to

13 repeat the same thing three times for the Court to hear

14 and make it clear.

15 MR ISCANDARI: Thank you, Your Honour.

16 Q. After he left, [REDACTED] correct?

17 A. [REDACTED]

18 Q. During the period of time that you were with

19 [REDACTED]

20 A. [REDACTED]

21 Q. [REDACTED]

22 A. [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. [REDACTED]

26 A. [REDACTED]

27 Q. [REDACTED]

28 [REDACTED]

29 A. [REDACTED]

- 1 Q. Did you come to learn who ordered the transfer of CO  
2 Rocky from Wundidu?
- 3 A. No.
- 4 Q. Do you know where he was transferred to?
- 5 A. Yes.
- 6 Q. Where was he transferred to?
- 7 A. He said Tombudu.
- 8 PRESIDING JUDGE: Well, the witness had said so.
- 9 MR ISCANDARI: I wanted to make it clear for the Court.
- 10 PRESIDING JUDGE: But we want to gain time. We don't want  
11 repetitions.
- 12 JUDGE BOUTET: We can get you the first time. You need not to  
13 repeat the same thing three times for the Court to hear  
14 and make it clear.
- 15 MR ISCANDARI: Thank you, Your Honour.
- 16 Q. After he left, you were with Captain Banya; correct?
- 17 A. Yes, he left me with him.
- 18 Q. During the period of time that you were with  
19 Captain Banya, did you have any conversations with him?
- 20 A. Yes, we had a conversation. He told me something.
- 21 Q. What did he tell you?
- 22 A. He said, "See me". He said he was born in Kailahun,  
23 Kailahun District, and Kailahun Town. He said, "But my  
24 father is a doctor."
- 25 Q. Did he tell you the name of his father?
- 26 A. Yes.
- 27 Q. Who did he tell you -- what did he tell you was the name  
28 of his father?
- 29 A. He said his father's name was Dr Sama Banya.



TFI-019

4287

1 A. Yes. [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
14:35:19 5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
14:35:36 10 [REDACTED]

11 Q. Pause moment. You're using the words "you'll" come in  
12 again, "you'll" get information about the town. Are you talking  
13 about you personally or other people?  
14 A. Yes, what I mean is, after leaving the village in the  
14:36:03 15 morning and come to town, [REDACTED]  
16 [REDACTED]. Then in the  
17 evening I'll go back to the village and pass the night there.  
18 There were certain days when nobody would venture to come to  
19 town, because they would be on the rampage, they would be moving  
1( 6:20 20 up and down, enter shops which were opened. That is what I mean  
21 by that.

22 Q. Witness, do you remember seeing anyone in particular when  
23 you were living in Koidu Town [REDACTED]  
24 [REDACTED]?

14:36:40 25 A. Yes, I saw people [REDACTED]  
26 [REDACTED] At times when there were meetings, they would call all  
27 of us to go to meetings in Koidu Town at the Koidu Community  
28 Centre.

29 Q. Pause a moment, please, witness. I would like you to

TFI-019

4288

1 A. Yes. We did not do business all the time. The business  
2 was not really effective. Once in the while we'll come to the  
3 town, open our shops and sell quickly. And if one is fortunate  
4 and no soldier came around to harass you, you will come take  
14:35:19 5 something from your shop -- they come to take something -- you'll  
6 lock up and then go back. After some time, you'll get  
7 information from other people who are business and you'll get  
8 this information that the place is quiet, peaceful, a little bit  
9 peaceful, then you'll come again and do some business and go  
14:35:36 10 back.

11 Q. Pause moment. You're using the words "you'll" come in  
12 again, "you'll" get information about the town. Are you talking  
13 about you personally or other people?

14 A. Yes, what I mean is, after leaving the village in the  
14:36:03 15 morning and come to town, because I had a Honda, I would ride and  
16 come to town then I'll open my shop and sell. Then in the  
17 evening I'll go back to the village and pass the night there.  
18 There were certain days when nobody would venture to come to  
19 town, because they would be on the rampage, they would be moving  
14:36:20 20 up and down, enter shops which were opened. That is what I mean  
21 by that.

22 Q. Witness, do you remember seeing anyone in particular when  
23 you were living in Koidu Town and when you were trading in Koidu  
24 Town and going there from XXXXXXXX?

14:36:40 25 A. Yes, I saw people when I leave XXXXXXXX to Koidu to do  
26 business. At times when there were meetings, they would call all  
27 of us to go to meetings in Koidu Town at the Koidu Community  
28 Centre.

29 Q. Pause a moment, please, witness. I would like you to

TFI-021

4289

1 [REDACTED] I don't want  
2 you to mention any names. Just listen to the question carefully.

3 [REDACTED]

4 A. [REDACTED]

11:48:54

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. [REDACTED]

11:49:16

10 A. [REDACTED]

11 Q. How long did the bodies remain at the mosque?

12 A. I left the mosque on Friday. Saturday, Sunday, Monday,  
13 when I found out that all the bodies were decomposed. Some bust  
14 right inside the mosque.

11:50:12

15 Q. Witness, are you okay?

16 A. I'm okay.

17 Q. I only have a few more questions for you, witness.

18 A. Go ahead.

19 Q. What happened to the bodies that were at the mosque?

11:50:59

20 A. Inside this mosque, we have the gravediggers for the  
21 cemetery. They used to pray with us. [REDACTED]

22 [REDACTED]

23 So there's a cemetery by. It is a Christian cemetery at  
24 Parsonage Street. So we dragged some. We took some zincs that

11:51:24

25 were burned from the house, and we dragged them to the cemetery.  
26 And we opened the tombs and put them in there, the rotten bodies,  
27 the bodies that were decomposed.

28 Q. Witness, did the armed men do anything to you at all?

29 A. Yes.

TFI-021

H296

- 1 son killed during this incident -- just a moment. I don't want  
2 you to mention any names. Just listen to the question carefully.  
3 was your son killed during this incident or at some other time?  
4 A. It was during the first incident when I went home and I  
11:48:54 5 said I was going to look for the other children. I found out  
6 that he had been killed. He was shot in the jaw, and the bullet  
7 came from his head and he died. In fact, they had already broken  
8 in the house.  
9 Q. where was your son killed?  
11:49:16 10 A. Back of the mosque. There, my house is.  
11 Q. How long did the bodies remain at the mosque?  
12 A. I left the mosque on Friday. Saturday, Sunday, Monday,  
13 when I found out that all the bodies were decomposed. Some bust  
14 right inside the mosque.  
11:50:12 15 Q. witness, are you okay?  
16 A. I'm okay.  
17 Q. I only have a few more questions for you, witness.  
18 A. Go ahead.  
19 Q. what happened to the bodies that were at the mosque?  
11:50:59 20 A. Inside this mosque, we have the gravediggers for the  
21 cemetery. They used to pray with us. So I told them that I  
22 would give them something so as to clear them out of the mosque.  
23 so there's a cemetery by. It is a Christian cemetery at  
24 Parsonage Street. So we dragged some. we took some zincs that  
11:51:24 25 were burned from the house, and we dragged them to the cemetery.  
26 And we opened the tombs and put them in there, the rotten bodies,  
27 the bodies that were decomposed.  
28 Q. witness, did the armed men do anything to you at all?  
29 A. Yes.

TFI-028

4291

1 Q. -- [REDACTED]

2 [REDACTED]

3 A. Yes, sir.

4 Q. [REDACTED]

16:19:24 5 [REDACTED]

6 [REDACTED]

7 A. Yes, sir.

8 Q. why is that?

9 A. [REDACTED]

1 19:47 10 [REDACTED]

11 [REDACTED]

12 Q. [REDACTED]

13 [REDACTED]

14 [REDACTED]

16:20:16 15 [REDACTED]

16 A. Yes, sir.

17 Q. And I take it that you are comfortable with that  
18 arrangement.

19 JUDGE ITOE: [REDACTED]

16:20:34 20 [REDACTED]

21 MR BANGURA:

22 Q. [REDACTED]

23 [REDACTED]

24 A. Yes, sir.

16:20:56 25 PRESIDING JUDGE: [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 THE WITNESS: [REDACTED]

29 PRESIDING JUDGE: Very well. Thank you. You may proceed.

TFI-028

A292

1 Q. -- before you came to court, you had indicated that you  
2 would testify in Krio; is that correct?  
3 A. Yes, sir.  
4 Q. Just now you were sworn on the Koran and you were heard  
16:19:24 5 taking the oath in Madingo, a language which is different from  
6 Krio; is that correct?  
7 A. Yes, sir.  
8 Q. Why is that?  
9 A. Well, that was why I said somebody should be close by me  
16:19:47 10 who speaks Krio, because your own Krio is not very clear. You  
11 mix it up with English and I can't get it very clearly.  
12 Q. Madam Witness, there is an interpreter in court. I'm sure  
13 you can hear the interpreter through the headphones. His job is  
14 to interpret faithfully what you say as well as what is said in  
16:20:16 15 court generally. Do you understand?  
16 A. Yes, sir.  
17 Q. And I take it that you are comfortable with that  
18 arrangement.  
19 JUDGE ITOE: Let her confirm the language option. Does she  
16:20:34 20 want to testify in Madingo or Krio?  
21 MR BANGURA:  
22 Q. Madam Witness, may I ask you do you wish to continue with  
23 the preference you made to testify in Krio?  
24 A. Yes, sir.  
16:20:56 25 PRESIDING JUDGE: It may have been a problem of the wrong  
26 channel. Anyhow, we'll see from now. Madam Witness, you prefer  
27 to give your evidence in Krio, not in Madingo?  
28 THE WITNESS: I can testify in Krio.  
29 PRESIDING JUDGE: Very well. Thank you. You may proceed.

TFI-029

A293

1 A. [REDACTED]  
2 JUDGE ITOE: Can you spell that again, please?

3 THE WITNESS: [REDACTED]

4 JUDGE ITOE: [REDACTED]

10:01:26 5 MS ALAGENDRA:

6 Q. witness, who is [REDACTED]?

7 A. He's SLA soldier.

8 Q. witness, you told the Court that you were together with 50  
9 other people in the house at the time. Did anything happen to  
10 those people?

11 A. Yes.

12 Q. what happened, witness?

13 A. They captured all of us inside the house. Then some of  
14 them run away.

10:01:56 15 Q. witness, do you remember the date when this incident took  
16 place?

17 A. Yes.

18 Q. what was the date, witness?

19 A. [REDACTED], 1990.

10:02:14 20 Q. Can you repeat the year again, witness?

21 A. [REDACTED], 1990.

22 PRESIDING JUDGE: What was [REDACTED], 1990? was that when  
23 she was abducted?

24 MS ALAGENDRA: The date when the incident took place, yes,

10:02:39 25 Your Honour.

26 PRESIDING JUDGE: I thought the witness had said '99.

27 THE WITNESS: '99. Yes, '99, I'm sorry.

28 MS ALAGENDRA:

29 Q. witness, what happened after you and the other civilians

TFI-029

H29H

1 A. XXXXXXXX.  
2 JUDGE ITOE: Can you spell that again, please?  
3 THE WITNESS: XXXXXX [sic].  
4 JUDGE ITOE: XXXXXX.  
10:01:26 5 MS ALAGENDRA:  
6 Q. Witness, who is XXXXXXXX?  
7 A. He's SLA soldier.  
8 Q. Witness, you told the Court that you were together with 50  
9 other people in the house at the time. Did anything happen to  
10:01:50 10 those people?  
11 A. Yes.  
12 Q. What happened, Witness?  
13 A. They captured all of us inside the house. Then some of  
14 them run away.  
10:01:56 15 Q. Witness, do you remember the date when this incident took  
16 place?  
17 A. Yes.  
18 Q. What was the date, Witness?  
19 A. January XX, 19XX.  
10:02:14 20 Q. Can you repeat the year again, Witness?  
21 A. January XX, 19XX.  
22 PRESIDING JUDGE: What was January 22, 1990? Was that when  
23 she was abducted?  
24 MS ALAGENDRA: The date when the incident took place, yes,  
10:02:39 25 Your Honour.  
26 PRESIDING JUDGE: I thought the witness had said '99.  
27 THE WITNESS: '99. Yes, '99, I'm sorry.  
28 MS ALAGENDRA:  
29 Q. Witness, what happened after you and the other civilians



4295

1 said I should go to Tejan Kabbah for him to give me [REDACTED].

2 MS ALAGENDRA:

3 Q. Witness, who burnt you on [REDACTED]?

4 A. They were disguised. I wouldn't determine who they were.

15:35:20 5 Q. Witness, where exactly were you burnt?

6 A. In Mandaha.

7 Q. In which part of your body, witness?

8 A. [REDACTED] Look at [REDACTED] [indicates].

9 PRESIDING JUDGE: For the record, again, the witness is  
15:35:51 10 showing her [REDACTED].

11 MS ALAGENDRA: Your Honour, if I can ask the witness to  
12 perhaps show the parts which have been burnt.

13 PRESIDING JUDGE: [REDACTED]?

14 MS ALAGENDRA: Yes, as in from where to where.

15:36:05 15 THE WITNESS: [REDACTED].

16 MS ALAGENDRA:

17 Q. Witness, can you indicate using your other hand from where  
18 to where you were burnt? [REDACTED]

19 A. This is where they burnt me. Look at it, from here up to  
15:36:24 20 this point. From here up to this other point. It was burnt  
21 completely. Look at it.

22 MS ALAGENDRA: Your Honour, for the record, the witness is  
23 pointing from --

24 PRESIDING JUDGE: [REDACTED]?

15:36:35 25 MS ALAGENDRA: From [REDACTED].

26 PRESIDING JUDGE: [REDACTED].

27 MS ALAGENDRA: [REDACTED]

28 [REDACTED]

29 PRESIDING JUDGE: Thank you. Thank you, Madam Witness.

TF1-031

H296

1 said I should go to Tejan Kabbah for him to give me a foot.  
2 MS ALAGENDRA:  
3 Q. Witness, who burnt you on your hand and your foot?  
4 A. They were disguised. I wouldn't determine who they were.  
15:35:20 5 Q. Witness, where exactly were you burnt?  
6 A. In Mandaha.  
7 Q. In which part of your body, witness?  
8 A. My foot and my hand. Look at my foot [indicates].  
9 PRESIDING JUDGE: For the record, again, the witness is  
15:35:51 10 showing her left leg and foot.  
11 MS ALAGENDRA: Your Honour, if I can ask the witness to  
12 perhaps show the parts which have been burnt.  
13 PRESIDING JUDGE: On her hand?  
14 MS ALAGENDRA: Yes, as in from where to where.  
15:36:05 15 THE WITNESS: Look at my hand.  
16 MS ALAGENDRA:  
17 Q. Witness, can you indicate using your other hand from where  
18 to where you were burnt? On your hand and then your foot.  
19 A. This is where they burnt me. Look at it, from here up to  
15:36:24 20 this point. From here up to this other point. It was burnt  
21 completely. Look at it.  
22 MS ALAGENDRA: Your Honour, for the record, the witness is  
23 pointing from --  
24 PRESIDING JUDGE: The knee?  
15:36:35 25 MS ALAGENDRA: From the knee right up to the toes.  
26 PRESIDING JUDGE: Yes, of her left leg.  
27 MS ALAGENDRA: Left leg and the hand is from her fingers  
28 midway up her left arm.  
29 PRESIDING JUDGE: Thank you. Thank you, Madam Witness.

TFI-033

4297

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10:58:59

10:59:30

10:59:45

10:59:52

11:00:29

A. When Tito returned from the attack on Gbendembu he  
regrettably reported the death of his colleague subordinate  
Commander Arthur. He said he died during the battle. But he  
came along with a large cache of arms and ammunitions and he  
reported also that 25 civilians were killed and 20 loyal SLA  
soldiers were also killed. He also said that the town was also  
partly burnt.

A. He commended Tito for a job well done but regretted the  
death of Arthur.

Q. Witness, what happened after the attack in Gbendembu Town?

A. Well, 0-Five came to join Gullit with -- he came all the  
way from Mongoh with 400 AFRC fighters.

Q. Witness, can you spell Mongoh for Court, please?

A. Mongoh Bendugu, M-O-N-G-O-H B-E-N-D-U-G-U.

Q. Witness, who is 0-Five?

A. 0-Five is a soldier.

Q. Did he belong to any group?

TFI-033

A298

- 1 Q. Witness, did you go to Gbendembu?
- 2 A. No.
- 3 Q. So how do you know the orders were carried out?
- 4 A. When Tito returned from the attack on Gbendembu he
- 10:58:59 5 regrettably reported the death of his colleague subordinate
- 6 Commander Arthur. He said he died during the battle. But he
- 7 came along with a large cache of arms and ammunitions and he
- 8 reported also that 25 civilians were killed and 20 loyal SLA
- 9 soldiers were also killed. He also said that the town was also
- 10:59:30 10 partly burnt.
- 11 Q. Witness, were you present when Tito was reporting this back
- 12 to Gullit?
- 13 A. Yes.
- 14 Q. And did you hear this?
- 10:59:45 15 A. Yes.
- 16 Q. Witness, did you hear what Gullit said after the report was
- 17 made to him?
- 18 A. Yes.
- 19 Q. What did he say, Witness?
- 10:59:52 20 A. He commended Tito for a job well done but regretted the
- 21 death of Arthur.
- 22 Q. Witness, what happened after the attack in Gbendembu Town?
- 23 A. Well, O-Five came to join Gullit with -- he came all the
- 24 way from Mongoh with 400 AFRC fighters.
- 11:00:29 25 Q. Witness, can you spell Mongoh for Court, please?
- 26 A. Mongoh Bendugu, M-O-N-G-O-H B-E-N-D-U-G-U.
- 27 Q. Witness, who is O-Five?
- 28 A. O-Five is a soldier.
- 29 Q. Did he belong to any group?

TF1-035

H299

1 was the area that the soldiers were. In the middle of the night,  
2 we heard heavy firing by the Cyborg site.

3 Q. Did you know what the firing was about?

15:43:03

4 A. Well, I felt that it was the Kamajors that attacked, but in  
5 the morning, [REDACTED] he went and checked at the guide  
6 post. [REDACTED]

7 This RUF colonel went there.

8 Q. Did he say anything to you when he got there?

15:43:33

9 A. When he went, it was then that I and some others asked  
10 him [REDACTED], [REDACTED] we heard some firing yesterday at  
11 Cyborg. What happened?"

12 [RUF05JUL05E 3.40 p.m. - AD]

13 Q. Did [REDACTED] tell you what happened?

15:44:03

14 A. [REDACTED] He said, "well, now,  
15 yesterday, while the dance was going on, some junior commanders,  
16 they took some civilians to do some mining at Cyborg." So they  
17 had some quarrel with the SBUS. One of the SBUS reported to  
18 Colonel Morris Kallon. Morris Kallon went there. And in that  
19 firing 15 people died who are civilians.

15:44:27

20 JUDGE ITOE: Can he go over this again?

21 MS ALAGENDRA:

22 Q. Witness, can you please repeat for the Court what the  
23 colonel told you? Witness, can you repeat for the Court what the  
24 colonel told you had happened, and please, can you repeat it  
15:44:52 25 slowly?

26 A. When [REDACTED] went to guide post [REDACTED]

27 [REDACTED] it was there I asked, I said,  
28 [REDACTED]

29 JUDGE ITOE: Slowly. He's a colonel, yes. What happened

TFI-035

4300

1 was the area that the soldiers were. In the middle of the night,  
2 we heard heavy firing by the Cyborg site.

3 Q. Did you know what the firing was about?

4 A. Well, I felt that it was the Kamajors that attacked, but in  
15:43:03 5 the morning, one Colonel Gibbo, he went and checked at the guide  
6 post. He went to the house where I was residing as a guide post.  
7 This RUF colonel went there.

8 Q. Did he say anything to you when he got there?

9 A. When he went, it was then that I and some others asked  
15:43:33 10 him - we asked him, "Colonel, we heard some firing yesterday at  
11 Cyborg. What happened?"

12 [RUF05JUL05E 3.40 p.m. - AD]

13 Q. Did the Colonel tell you what happened?

14 A. It was not I alone that he told. He said, "well, now,  
15:44:03 15 yesterday, while the dance was going on, some junior commanders,  
16 they took some civilians to do some mining at Cyborg." So they  
17 had some quarrel with the SBUS. One of the SBUS reported to  
18 Colonel Morris Kallon. Morris Kallon went there. And in that  
19 firing 15 people died who are civilians.

15:44:27 20 JUDGE ITOE: Can he go over this again?

21 MS ALAGENDRA:

22 Q. Witness, can you please repeat for the Court what the  
23 colonel told you? Witness, can you repeat for the Court what the  
24 colonel told you had happened, and please, can you repeat it  
15:44:52 25 slowly?

26 A. When the colonel went to guide post where we were, because  
27 my house was made into that post, it was there I asked, I said,  
28 "Colonel" --

29 JUDGE ITOE: Slowly. He's a colonel, yes. What happened

TFI-139

4301

- 1 Q. So what did he say then?
- 2 A. He told me to send a package of the entire stuff. So I  
3 prepare the package and I send it over to Daniel -- I  
4 mean, to [REDACTED]
- 16:28:34 5 Q. Okay. Specifically, what did you put in this package to  
6 [REDACTED]?
- 7 A. Well, I put in the package the assault; the bruises on my  
8 eye, on my penis, the burns, the various news report, the  
9 letters and other things. Those were substantial  
16:28:53 10 documents to at least to be able to help with him so that  
11 he will be able to talk to [REDACTED] to see if  
12 they can get me out very quickly.
- 13 Q. Okay, after --
- 14 A. So as for me to do those documentary --
- 16:29:05 15 Q. After you sent those documents to him, what happened?
- 16 A. After I send the document he told me -- he say, well, in  
17 about a week or two he got the documents. And he said,  
18 "Well, John, I got the documents. What I'm going to do  
19 is I will have to go to [REDACTED] and see if I  
16:29:20 20 can quickly file your case." So, after a week later, he  
21 told me, say, "Well, John, I think I -- I got a solution  
22 to your problem already. There is one investigator that  
23 I met, and he is willing to help. But I will let you  
24 talk to him the next meeting we have again." So I was  
16:29:42 25 very happy about the news.
- 26 Q. What did he mean by investigator?
- 27 A. He said that he was the investigator for the UN Special  
28 Court.
- 29 Q. Okay. Then what happened after he told you about --

TFI-139

A302

- 1 Q. So what did he say then?
- 2 A. He told me to send a package of the entire stuff. So I  
3 prepare the package and I send it over to Daniel -- I  
4 mean, to Milton Teahjay.
- 16:28:34 5 Q. Okay. Specifically, what did you put in this package to  
6 Milton Teahjay?
- 7 A. Well, I put in the package the assault; the bruises on my  
8 eye, on my penis, the burns, the various news report, the  
9 letters and other things. Those were substantial  
10 documents to at least to be able to help with him so that  
11 he will be able to talk to the State Department to see if  
12 they can get me out very quickly.
- 13 Q. Okay, after --
- 14 A. So as for me to do those documentary --
- 16:29:05 15 Q. After you sent those documents to him, what happened?
- 16 A. After I send the document he told me -- he say, well, in  
17 about a week or two he got the documents. And he said,  
18 "well, John, I got the documents. what I'm going to do  
19 is I will have to go to the State Department and see if I  
20 can quickly file your case." So, after a week later, he  
21 told me, say, "well, John, I think I -- I got a solution  
22 to your problem already. There is one investigator that  
23 I met, and he is willing to help. But I will let you  
24 talk to him the next meeting we have again." So I was  
16:29:42 25 very happy about the news.
- 26 Q. what did he mean by investigator?
- 27 A. He said that he was the investigator for the UN Special  
28 Court.
- 29 Q. okay. Then what happened after he told you about --



TFI-141

A303

1 Q. [REDACTED]  
2 A. Yes.  
3 Q. [REDACTED]  
4 A. Well, yes. [REDACTED]  
12:46:37 5 Q. So why don't you just tell us, then, when you were  
6 captured?  
7 A. All these other times, [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
12:47:02 10 Q. [REDACTED]  
11 A. It was xxxxxx, the attacks that were happening before.  
12 That was me and xxxxx.  
13 Q. You're looking at the statement, Mr Witness. [REDACTED]  
14 [REDACTED] [REDACTED]  
12:47:33 15 [REDACTED]  
16 A. The last one is what I'm interested in. [REDACTED]  
17 [REDACTED] [REDACTED]  
18 [REDACTED] The last one was in 1998.  
19 Q. Have a look at the statement, remind yourself what you  
12:47:57 20 said. [REDACTED] [REDACTED]  
21 [REDACTED] Is that true?  
22 A. [REDACTED]  
23 Q. Where was it then?  
24 A. I cannot remember the village name, but xxxx is after  
12:48:32 25 you've crossed the river and nobody will cross that river [REDACTED]  
26 [REDACTED] This is before the villages. The village is at xxxx;  
27 that is how they call that chiefdom in xxxx.  
28 Q. That is interesting, [REDACTED]  
29 [REDACTED]

TF1-141

H304

- 1 Q. "I was captured three times."  
2 A. Yes.  
3 Q. Were you captured three times?  
4 A. Well, yes. Yes, they captured me three times.  
12:46:37 5 Q. So why don't you just tell us, then, when you were  
6 captured?  
7 A. All these other times, I will call it capture but it was  
8 not capture, because I never lasted there for over a day with  
9 them.  
12:47:02 10 Q. Tell us then where you were captured that first time?  
11 A. It was xxxxxx, the attacks that were happening before.  
12 That was me and xxxxx.  
13 Q. You're looking at the statement, Mr Witness. Are you  
14 reminding yourself when you were captured? Do you need reminding  
12:47:33 15 about when you were captured, Mr Witness?  
16 A. The last one is what I'm interested in. The other ones,  
17 these are past things, I've forgotten about them. Before even  
18 they captured me. The last one was in 1998.  
19 Q. Have a look at the statement, remind yourself what you  
12:47:57 20 said. "I was captured three times. First capture was in 1997.  
21 I escaped from xxxxin Kailahun District." Is that true?  
22 A. It was not at xxxxx I escaped.  
23 Q. Where was it then?  
24 A. I cannot remember the village name, but xxxx is after  
12:48:32 25 you've crossed the river and nobody will cross that river and  
26 escape. This is before the villages. The village is at xxxx;  
27 that is how they call that chiefdom in xxxx.  
28 Q. That is interesting, but where were you first captured in  
29 1997?