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506L-03-01-1
(12614-12764)

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**SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
Freetown – Sierra Leone**

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

Registrar: Mr. Herman von Hebel

Date filed: 6 November 2007

SPECIAL COURT FOR SIERRA LEONE	
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THE PROSECUTOR

Against

Charles Ghankay Taylor

Case No. SCSL-03-01-T

**PUBLIC, WITH CONFIDENTIAL ANNEX D
NOTIFICATION OF AMENDED PROSECUTION WITNESS LIST**

Office of the Prosecutor:
Ms. Brenda J. Hollis
Mr. Nicholas Koumjian
Ms. Leigh Lawrie

Defence Counsel for Charles Taylor:
Mr. Courtenay Griffiths Q.C.
Mr. Andrew Cayley
Mr. Terry Munyard

I. INTRODUCTION

1. On 4 April 2007 the Prosecution filed its "Rule 73bis Pre-Trial Conference Materials" which included *inter alia* a list of witnesses the Prosecution intends to call ("**Witness List**") and a summary of the expected testimony of each witness.¹ The Witness List identified 204 factual witnesses: 139 Core witnesses and 65 Back-up witnesses. The number of factual *viva voce* witnesses numbered 64.²
2. Pursuant to Rule 73bis(B)(iv) of the Rules of Procedure and Evidence ("**Rules**"), the Prosecution files an amended list of the witnesses it intends to call (see Annex A of this Notice ("**Amended Witness List**")). The Amended Witness List:
 - (i) deletes 9 witnesses from its Witness List;³
 - (ii) moves 8 witnesses from the Core Witness List and adds them to the Back-up Witness List;⁴
 - (iii) moves 5 witnesses from the Back-up Witness List to the Core Witness List;⁵
 - (iv) adds the following 10 witnesses to the Core Witness List: Stephen Smith, TF1-024, TF1-556, TF1-571, TF1-572, TF1-575, TF1-577, TF1-579, TF1-584, TF1-590;
 - (v) includes TF1-326 as a core factual overview witness rather than an expert, a change in status previously notified to the Court,⁶ and
 - (vi) notifies the Court that the Prosecution intends to call TF1-028, TF1-035 and TF1-215 to give evidence *viva voce* rather than under Rule 92bis.

The Amended Witness List identifies 206 factual witnesses: 139 Core witnesses and 67 Back-up witnesses. The number of factual *viva voce* witnesses is now 65, including TF1-326 who was originally scheduled to testify as an expert witness but will now testify as a factual overview witness.

¹ *Prosecutor v. Taylor*, SCSL-03-01-PT-218, "Public Rule 73bis Pre-Trial Conference Materials", 4 April 2007 which was filed pursuant to the order contained in *Prosecutor v. Taylor*, SCSL-03-01-PT-171, "Scheduling Order for a Pre-Trial Conference Pursuant to Rule 73bis", 2 February 2007.

² 8 Core Rule 92 bis/Viva Voce Witnesses + 45 Core Linkage + 11 Core Crime Base = 64.

³ TF1-020, TF1-093, TF1-119, TF1-180, TF1-193, TF1-235, TF1-280, TF1-518, TF1-546.

⁴ TF1-042, TF1-397, TF1-413, TF1-414, TF1-510, TF1-540, TF1-554, TF1-565.

⁵ TF1-076, TF1-157, TF1-158, TF1-278, TF1-555.

⁶ *Prosecutor v. Taylor*, SCSL-03-01-PT-281, "Public Prosecution Notification of Change in Witness Status Pursuant to Rule 73bis(B)(iv)", 8 June 2007.

3. As required under Rule 73bis(B)(iv), Annex B to this Notice provides:
 - (i) the name or pseudonym of each additional witness;
 - (ii) a summary of the facts to which each additional witness will testify;
 - (iii) the points in the Second Amended Indictment to which each additional witness will testify; and
 - (iv) an estimate of the length of time required for the direct examination of each additional witness.
4. In relation to disclosure of the material relating to the additional witnesses, the Prosecution notifies the Court that:
 - (i) all material for TF1-024 was provided to the Defence on 17 May 2006;
 - (ii) all material for Stephen Smith was provided to the Defence on 29 October 2007;⁷
 - (iii) part of the material relating to TF1-556 was disclosed on 12 February and 16 March 2007 and the remainder is filed with this notice⁸; and
 - (iv) in order to protect the identities of the following unprotected witnesses, proffers setting out the details of the evidence the witnesses are expected to give are filed with this notice: TF1-571, TF1-572, TF1-575, TF1-577, TF1-579, TF1-584 and TF1-590.⁹

II. NOTICE OF AMENDED WITNESS LIST & DISCLOSURE OF ADDITIONAL WITNESS STATEMENTS

5. The Prosecution gave its Opening Statement on 4 June 2007. However, due to issues relating to the representation of the Accused, the commencement of the presentation of Prosecution evidence has been delayed until 7 January 2008. To date, no witness has been called and no evidence has been presented. Both parties are currently engaged in trial preparation work which includes reporting on progress to the Trial Chamber at regular status conferences and consideration as to whether agreement can be achieved on further stipulated

⁷ Smith has agreed to testify publicly and so unredacted disclosure of the material relating to this witness has been made to the Defence.

⁸ TF1-556 is the subject of existing protective measures which were granted in *Prosecutor v. Taylor*, SCSL-03-1-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 The Prosecution has filed today a motion seeking protective measures for these witnesses.

facts and law.¹⁰

6. This notification meets the requirements of Rule 73bis(B)(iv) and violates no Rules of the Special Court. No Rule governs the deletion of witnesses from the Witness List nor a change to witness status (e.g. as “Core” or “Back-up” or as a witness who will give evidence *viva voce* or pursuant to Rule 92bis). In relation to the addition of witnesses, for the reasons set out in the following paragraphs, the limitations contained in Rules 66(A)(ii) and 73bis(E) are not applicable to the Prosecution’s disclosure of material relating to the additional witnesses nor to the amendment of its Witness List.
7. Rule 66(A)(ii) is not applicable to the current circumstances. That Rule requires in part that the Prosecution disclose all statements of the additional witnesses it intends to call “not later than 60 days before the date for trial.” After the 60 day limit, disclosure of the statements of all additional prosecution witnesses will require an order of a Judge of the Trial Chamber upon a showing of good cause. The apparent purpose of this language is to give effect to the Accused’s right to have adequate time to prepare his defence, including time to prepare for witness testimony, by providing that the Accused will have at least 60 days to prepare for additional witnesses, absent a showing of good cause. The Rule envisions that the Prosecution will commence to present its evidence immediately after making its Opening Statement. In the present circumstances, where there is a delay of over seven months between these two events, the purpose of the Rule is achieved by defining “date for trial” as the date that the Trial Chamber begins to hear evidence in the case. Accordingly, in the current proceedings, the ‘date for trial’ is 7 January 2008. As the date of filing this notice is more than 60 days from the date that the Trial Chamber will begin to hear evidence, the notice and disclosure of additional witnesses is timely and does not require a showing of good cause.
8. Rule 73bis(E) provides that “[a]fter the commencement of the Trial, the Prosecutor may if he considers it to be in the interests of justice,”¹¹ move to vary his decision as to which witnesses are to be called. However, before the trial commences there is no provision in the Rules that limits the Prosecutor’s discretion to alter the witness list. The apparent purpose of Rule 73bis(E) is to

¹⁰ *Prosecutor v. Taylor*, SCSL-03-01-T, Status Conference, 20 September 2007, Transcript, pages 8-9.

¹¹ Emphasis added.

properly balance the Accused's right to prepare to meet Prosecution evidence (including to prepare to investigate and cross-examine witnesses) against the interests of justice, which include the Prosecution's right to present relevant evidence to meet its burden of proof. As discussed in paragraph 7 above, given the apparent purpose of the Rule, the term "commencement of trial" should be read to refer to the commencement of the presentation of Prosecution evidence. As outlined above, the presentation of Prosecution evidence has not commenced and the parties are still engaged in trial preparation work. Therefore, the trial has not yet commenced. On this basis, the variation which is the subject of this notice need not be justified under Rule 73bis(E).

III. GOOD CAUSE & INTERESTS OF JUSTICE

9. Assuming, *arguendo*, that "good cause" need be shown for the disclosure of material relating to the new witnesses and that it need be shown that the variation to the Witness List is "in the interests of justice" pursuant to Rules 66(A)(ii) and 73bis(E), both requirements are satisfied.
10. This Trial Chamber has considered what amounts to "*good cause*" and "*in the interests of justice*" in the AFRC Trial.¹² In considering these concepts, the Trial Chamber noted that guidance could be taken from the principles laid down in the ICTR case of *Nahimana*¹³ and adopted by Trial Chamber I of the Special Court¹⁴. In the *Nahimana* Decision, the Trial Chamber noted that:

In assessing the "interests of justice" and "good cause" Chambers have taken into account such considerations as the materiality of the testimony, the complexity of the case, prejudice to the Defence, including elements of surprise, on-going investigations, replacements and corroboration of evidence. The Prosecution's duty under the Statute to present the best available evidence to prove its case has to be balanced against the right of the Accused to have adequate time and facilities to prepare his Defence and his

¹² *Prosecutor v. Brima et al.*, SCSL-04-16-T-365, "Decision on Prosecution request for Leave to Call an Additional Witness (Zainab Hawa Bangura) Pursuant to Rule 73bis(E) and on Joint Defence Notice to Inform the Trial Chamber of its Position vis-à-vis the Proposed Expert Witness (Mrs. Bangura) Pursuant to Rule 94bis", 5 August 2005 ("**Brima Decision**").

¹³ *Prosecutor v. Nahimana*, ICTR-99-52-1, "Decision on the Prosecutor's Oral Motion for Leave to Amend the List of Selected Witnesses", Trial Chamber, 26 June 2001 ("**Nahimana Decision**").

¹⁴ *Prosecutor v. Norman et al.*, SCSL-04-14-T-167, "Decision on Prosecution request for Leave to Call Additional Witnesses", 29 July 2004 ("**Norman Decision**"); *Prosecutor v. Sesay et al.*, SCSL-04-15-T-320, "Decision on Prosecution Request for Leave to Call Additional Witnesses and Disclose Additional Witness Statements", 11 February 2005 ("**Sesay Decision**").

right to be tried without undue delay.¹⁵

11. Both Trial Chambers of the Special Court¹⁶ have also noted with approval the observations made in the ICTR case of *Bagosora*¹⁷ which expand on the factors identified in the *Nahimana* Decision that:

These considerations [under Rule 73bis(E)] require a close analysis of each witness, including the sufficiency and time of disclosure of witness information to the Defence; the probative value of the proposed testimony in relation to existing witnesses and allegations in the indictments; the ability of the Defence to make an effective cross-examination of the proposed testimony, given its novelty or other factors; and the justification offered by the Prosecution for the addition of the witness.¹⁸

12. On the basis of the foregoing the Trial Chambers of the Special Court have found that in order to establish the requirements of “good cause” and “the interests of justice”, the Prosecution must show:

- (i) that the reasons or explanation advanced by the Prosecution for failing to meet the time limits imposed by Rule 66(A)(ii) are directly related and are material to the facts in issue;
- (ii) that the facts to be provided by the prospective witnesses in their statements and eventually in their testimony, are relevant to determining the issues in the current trial and would contribute to serving and fostering the overall interest of the law and justice;
- (iii) that granting, at this stage, leave to call new witnesses and the disclosure of new statements, will not unfairly prejudice the right of the accused to a fair and expeditious trial as guaranteed by Article 17(4)(a) and 17(4)(b) of the Statute as well as by the provisions of Rule 26bis of the Rules;
- (iv) that the evidence the Prosecution is now seeking to call, could not have been discovered or made available at a point earlier in time, notwithstanding the exercise of due diligence on their part.¹⁹

IV. NO UNDUE DELAY

13. The Prosecution reiterates its position that it has not violated the Rule 66(A)(ii) time limits in that the trial for all practical purposes has not yet commenced. However, assuming, *arguendo*, that there has been a technical violation of the Rule, the Prosecution submits that this is entirely due to the

¹⁵ *Nahimana* Decision, para. 20.

¹⁶ *Norman* Decision, para. 17; *Sesay* Decision, para. 26; *Brima* Decision, para. 22.

¹⁷ *Prosecutor v. Bagosora*, ICTR-98-41-T, “Decision on Prosecution Motion for Addition of Witnesses Pursuant to Rule 73bis(E), 26 June 2003, para. 14.

¹⁸ July 2004 Decision, para. 30; also quoted in the February 2005 Decision, para. 26.

¹⁹ The four criteria listed were identified in the *Sesay* Decision at para. 35 and applied in the *Brima* Decision at para. 28.

seven month interruption in proceedings caused by the Accused's decision to relieve his counsel on 4 June 2007, thus necessitating a delay for a new Defence team to be assembled and to familiarise themselves with the case. During this period of delay, the Prosecution is obligated to work to fulfil its recognised "duty ... to present the best available evidence to prove its case".²⁰ This duty to continue to investigate and to evaluate evidence results in the Prosecution being able to further refine its case, a consequence of which is a more focused and expeditious trial, which will better allow the Trial Chamber to determine the truth of the charges.

14. The disclosure of materials relating to the additional witnesses and the variation in the Witness List is being undertaken in a timely fashion. The disclosure and variation are being performed well in advance of the commencement of the presentation of Prosecution evidence. There has been no undue delay.

V. MATERIAL & RELEVANT EVIDENCE

15. The Prosecution considers the testimony of the additional witnesses to be of significant value. The summary of the relevant facts and points in the Second Amended Indictment to which the additional witnesses will testify are set out in Annex B and demonstrate the materiality of each witness' evidence.
16. As can be seen from the attached summaries, the additional witnesses each have a perspective and knowledge which will assist the Court in its truth-seeking function by ensuring that the best available evidence is presented. Should the Trial Chamber require additional information, attached at Annexes C and D are the statements and proffers for the additional witnesses. Annex C contains the statement and related material for Stephen Smith. Annex D is filed confidentially to give effect to the existing protective measures to which TF1-556²¹ is subject and to protect identifying information concerning the additional witnesses in respect of whom protective measures are being sought. As TF1-024 has already testified before this Trial Chamber and disclosure has already been made to the Defence in May last year, the statements and transcripts of this witness are not included in the Annexes.

²⁰ *Nahimana* Decision, para. 20.

²¹ See footnote 4 above.

VI. NO UNFAIR PREJUDICE TO THE DEFENCE

17. As stated above, in view of the current stage in proceedings, the addition of witnesses now will not cause unfair prejudice to the Defence. Unfair prejudice would only be suffered if the Defence were given insufficient time to prepare²² or if the trial were unduly delayed.²³
18. Instead, as noted above, trial proceedings will not commence for another two months. Indeed, the mechanisms in the Rules designed to prevent unfair prejudice, indicate that a period of at least 60 days provide adequate time to prepare. As noted above, the 60 day time limit referred to in Rule 66(A)(ii) falls on 8 November 2007. Accordingly, the Defence will be given a period in excess of 60 days as:
- (i) timely disclosure of the additional witness material is being made to the Defence as described in paragraph 4 above; and
 - (ii) the summary required by Rule 73bis(B)(iv) is set out in Annex B for each additional witness and provides the Defence with details of the points to which the witness is expected to testify.
- In addition, it is anticipated that only 2 of the new witnesses (TF1-556 and TF1-575) will testify during the first trial session but that this testimony would not be until late February at the earliest. The remaining new witnesses will not be called during the first trial session. This gives the Defence, therefore, over three months to prepare for 2 new witnesses and over 5 months to prepare for the remainder.
19. As the Defence will be given adequate time to prepare as set out in the preceding paragraphs, the trial will not be unduly delayed by the addition of 10 witnesses.
20. Further, to be balanced against the inclusion of the additional witnesses is the notification that, as set forth in paragraph 2 above, the Prosecution has deleted 9 witnesses from its Witness List. This refinement to the Prosecution's case further indicates that the addition of the new witnesses and the variation of the Witness List will not be prejudicial to the Defence nor prolong the anticipated

²² Insufficient time being a breach of the Accused's rights set out in Article 17(4)(b) of the Statute of the Special Court for Sierra Leone.

²³ The Accused has the right to be tried fairly and expeditiously under Rule 26bis.

time needed to present the Prosecution's case.

21. Notwithstanding the foregoing, if the Trial Chamber considers that the Defence needs additional time to prepare for any particular witness, the Trial Chamber may order that the testimony of the relevant witness(es) be heard later in the Prosecution case.

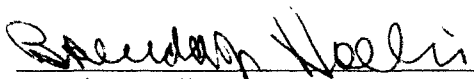
VII. CONCLUSION

22. The Prosecution respectfully notifies the Court and the Defence that, for the purposes of the current proceedings and Rule 73bis(B):
- (i) the Amended Witness List should now be considered as the list of witnesses the Prosecution intends to call;
 - (ii) the Amended Witness List should now be considered as the list which indicates the manner in which the Prosecution proposes to call witness testimony; and
 - (ii) the summaries set out in Annex B provide all the necessary information required for each witness by Rule 73bis(B)(iv).
23. For the reasons discussed above, the limitations contained in Rules 66(A)(ii) and 73bis(E) do not apply and, accordingly, no order or leave is required to disclose material relating to the new witnesses nor to vary the Witness List.
24. Assuming, *arguendo*, such order and leave are required:
- (i) the facts discussed above establish "good cause" to disclose the material related to the 10 new witnesses and show that it is "in the interests of justice" to allow the Prosecution to amend the Witness List; and
 - (ii) the Prosecution requests, therefore, in the alternative, that the Trial Chamber order the disclosure of the material relating to the new witnesses and grant leave to the Prosecution to vary its Witness List.

Filed in The Hague

6 November 2007

For the Prosecution



Brenda J. Hollis
Senior Trial Attorney

LIST OF AUTHORITIES

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

Prosecutor v. Taylor, SCSL-03-1-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

Prosecutor v. Taylor, SCSL-03-01-PT-171, "Scheduling Order for a Pre-Trial Conference Pursuant to Rule 73bis", 2 February 2007

Prosecutor v. Taylor, SCSL-03-01-PT-218, "Public Rule 73 bis Pre-Trial Conference Materials", 4 April 2007

Prosecutor v. Taylor, SCSL-03-01-PT-281, "Public Prosecution Notification of Change in Witness Status Pursuant to Rule 73bis(B)(iv)", 8 June 2007

Prosecutor v. Taylor, SCSL-03-01-T, Status Conference, 20 September 2007, Transcript

Prosecutor v. Norman et al., SCSL-04-14-T

Prosecutor v. Norman et al., SCSL-04-14-T-167, "Decision on Prosecution request for Leave to Call Additional Witnesses", 29 July 2004

Prosecutor v. Sesay et al., SCSL-04-15-T

Prosecutor v. Sesay et al., SCSL-04-15-T-320, "Decision on Prosecution Request for Leave to Call Additional Witnesses and Disclose Additional Witness Statements", 11 February 2005

Prosecutor v. Brima et al., SCSL-04-16-T

Prosecutor v. Brima et al., SCSL-04-16-T-365, "Decision on Prosecution request for Leave to Call an Additional Witness (Zainab Hawa Bangura) Pursuant to Rule 73bis(E) and on Joint Defence Notice to Inform the Trial Chamber of its Position vis-à-vis the Proposed Expert Witness (Mrs. Bangura) Pursuant to Rule 94bis", 5 August 2005

ICTR

Prosecutor v. Nahimana, ICTR-99-52-I, "Decision on the Prosecutor's Oral Motion for Leave to Amend the List of Selected Witnesses", Trial Chamber, 26 June 2001
<http://69.94.11.53/ENGLISH/cases/Nahimana/decisions/260601.htm>

Prosecutor v. Bagosora, ICTR-98-41-T, "Decision on Prosecution Motion for Addition of Witnesses Pursuant to Rule 73bis(E)", 26 June 2003
(copy provided)

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AUTHORITIES PROVIDED

***Prosecutor v. Bagosora*, ICTR-98-41-T, “Decision on Prosecution Motion for
Addition of Witnesses Pursuant to Rule 73bis(E), 26 June 2003**



ICTR-98-41-T
(13661-13654)
International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda
26-06-2003

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TRIAL CHAMBER I

Before: Judge Erik Møse, presiding
Judge Jai Ram Reddy
Judge Sergei Alekseevich Egorov

Registrar: Adama Dieng

Date: 26 June 2003

THE PROSECUTOR

v.

Théoneste BAGOSORA

Gratien KABILIGI

Aloys NTABAKUZE

Anatole NSENGIYUMVA

Case No. : ICTR-98-41-T

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ICTR
SECRETARIES

**DECISION ON PROSECUTION MOTION FOR ADDITION OF WITNESSES
PURSUANT TO RULE 73bis (E)**

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THE INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (“the Tribunal”),

SITTING as Trial Chamber I, composed of Judge Erik Møse, presiding, Judge Jai Ram Reddy, and Judge Sergei Alekseevich Egorov;

BEING SEIZED OF the Prosecution “Motion for leave to vary the witness list pursuant to Rule 73bis (E)”, etc., filed on 13 June 2003;

CONSIDERING the Defence “Response to Confidential Prosecutor’s Motion for leave to vary the witness list”, etc., filed on 18 June 2003; the “Motion of Major Ntabakuze”, etc., filed on 20 June 2003; the “Réponse de la défense de Bagosora à la ‘Confidential Prosecutor’s Motion for Leave to Vary the Witness List Pursuant to Rule 73bis (E) of the Rules of Procedure and Evidence’”, filed on 23 June 2003; and the “Memoire en réponse à la requête du parquet intitulée ‘Confidential Prosecutor’s Motion for Leave to Vary the Witness List Pursuant to Rule 73bis (E) of the Rules of Procedure and Evidence’”, also filed on 24 June 2003;

CONSIDERING IN PART the Defence “Extremely Urgent Motion for an Order Requiring the Prosecutor to Specify the Sequence in Which Witnesses Will Testify”, etc., filed on 15 May 2003, and the Prosecution “Response to Extremely Urgent Motion for an Order Requiring the Prosecutor to Specify the Sequence in Which Witnesses Will Testify”, etc., filed on 20 May 2003;

ALSO CONSIDERING the Defence “Requête aux fins de révision ou d’annulation de la décision intitulée ‘Decision on the Prosecution’s Request for the Transfer of Detained Witnesses’ du 4 juin 2003”, filed on 9 June 2003; the Prosecution’s “Response to Requête aux fins ou d’annulation”, etc., filed on 10 June 2003; and the Defence “Memoire en replique à la réponse du Procureur à la requête aux fins de révision ou d’annulation”, etc., filed on 13 June 2003;

HAVING HEARD the parties’ oral submissions on 24 June 2003;

HEREBY DECIDES the motion.

INTRODUCTION

1. On 21 January 2002, the Prosecution filed, in accordance with Rule 73bis (B)(iv) of the Rules of Procedure and Evidence (“the Rules”), a list of witnesses which it intended to call to testify. Several revised versions of this list were circulated by the Prosecution before the commencement of trial on 2 April 2002, including on 7 March, 28 March and 31 March 2002. By its Decision of 4 November 2002, Trial Chamber III ordered the Prosecution, which had maintained that its witness list was “far from final”, to file a definitive revised witness list within ten days.¹

2. On 14 November 2002, the Prosecution filed a revised witness list which declared eighty-two of its witnesses “inactive” and which expressly added four new names to an “active” list, including two of which are the subject of this motion, Witnesses XBG and XBH. Douglas Tefnin, whose name had appeared on the 21 January witness list, but was

¹ *Prosecutor v. Théoneste Bagosora, Anatole Nsengiyumva, Gratten Kabiligi, and Aloys Ntabakuze*, Decision (Motion By Aloys Ntabakuze’s Defence for Execution of the Trial Chamber’s Decision of 23 May 2002 on the Prosecutor’s Pre-trial Brief, dated 21 January 2002, and Another Motion on a Related Matter), 20 November 2002, para. 17.

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apparently removed just before commencement of trial, was reinserted. By its "Order for Reduction of Prosecutor's Witness List", filed on 8 April 2003, the former Trial Chamber III rejected *proprio motu* the 14 November list as deficient under Rule 73bis (B). First, the categorization of witnesses as "inactive" was improper; and second, the witness list was considered excessively long in view of the fact that numerous witnesses were being called in respect of the same allegations in the indictments. The Chamber declared the "active" portion of the list to be the Prosecution's final witness list, and also ordered it to file a further revised list of no more than one-hundred witnesses by 30 April 2003.²

3. On that date, the Prosecution filed a revised list of 121 names, among which reappear Witnesses XBG, XBH, and Douglas Tefnin. The list also included for the first time Witnesses XBK, XBM and an expert witness, Binaifer Nowrojee.

4. The Prosecution avers, without any contradiction from the Defence, that disclosure of witness statements in accordance with the Rules was made as follows:

Witness	Date of Statement	Added to Witness List	Disclosure of Redacted Statements	Disclosure of Unredacted Statements ³
XBG	29 Aug. 2002	14 Nov. 2002	14 Sept. 2002	7 May 2003
XBH	10 Sep. 2002	14 Nov. 2002	Early Dec. 2002	7 May 2003
XBK	21 Nov. 2002	30 April 2003	5 Dec. 2002	7 May 2003
XBM	28 Feb. 2003	30 April 2003	None	7 May 2003
Tefnin	7 June 1994	14 Nov. 2002	None	9 June 2000
Nowrojee	None	30 April 2003	None	None

SUBMISSIONS OF THE PARTIES

5. The Prosecution argues that the addition of these witnesses is in the interests of justice, as required by Rule 73bis (E), as each has information of significant probative value in relation to the allegations in the indictment. The witnesses beginning with the pseudonym "XB" ("the XB witnesses") will offer direct evidence of allegations in the indictments. This testimony is said to have been discovered only after the beginning of the trial as a result of fresh investigations and recent developments within Rwanda encouraging full confessions by detainees. The relevance of the proposed testimony of Witness Tefnin only came to light during the testimony of the first Prosecution witness, Alison Des Forges, in September 2002. The testimony of expert witness Nowrojee is considered necessary, in part, to replace the testimony of individual witnesses who would otherwise be called in respect of allegations of rape, but also to establish that the Accused created or tolerated an atmosphere in which rape was encouraged.

6. The Prosecution further argues that, given the early stage of trial proceedings and the periods of notice and disclosure, no unfair prejudice will result from the testimony of these witnesses. Even if it can be established, any prejudice should be remedied by other means, such as recalling witnesses who have already testified to be cross-examined in light of the new testimony. The Prosecution also claims that the willingness of the Defence to continue the trial, rather than recommence *de novo*, and its own declaration that it cannot suffer any

² *Prosecutor v. Théoneste Bagosora, Anatole Nsengiyumva, Gratién Kabiligi, and Aloys Ntabakuze*, Order for Reduction of Prosecutor's Witness List, 8 April 2003, paras. 5, 6 and 10.

³ Disclosure of non-redacted witness statements were required thirty-five days before the witness is expected to testify. *Prosecutor v. Théoneste Bagosora, Anatole Nsengiyumva, Gratién Kabiligi, and Aloys Ntabakuze*, Decision and Scheduling Order on the Prosecution Motion for Harmonisation and Modification of Protective Measures for Witnesses, 7 December 2001.

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prejudice therefrom, estops the Defence from now objecting to the addition of these witnesses.

7. The Defence argues that the addition of these witnesses will violate the right of the Accused to be informed of the nature of the charges against them in Article 20(4)(a) of the Statute, and cause material prejudice to the Accused inconsistent with the interests of justice as required by Rule 73bis (E). In particular, the Defence avers that the addition of these witnesses takes it by surprise, as it has insufficient time to undertake the investigations necessary to effectively cross-examine these new witnesses, and that it has lost the opportunity to use this new testimony to cross-examine witnesses who have already testified. The advance disclosure of witness statements is of little assistance in the context of the voluminous disclosure of statements of both witnesses and non-witnesses. Adequate notice can be effected only by placing an individual on the witness list, which should, in principle, be part of the Prosecution's pre-trial brief. Further, some of the matters on which these witnesses will testify have never been previously mentioned. At a more general level, the Defence suggests that authorizing the addition of these witnesses requires it to alter its strategy mid-stream, and sets a precedent that could allow the Prosecution to continually alter its case as the trial proceeds, potentially occasioning further delays in the trial and causing unfairness to the Accused.

8. The probative value of these witnesses is also challenged. As scheduled witnesses will address the same issues as the XB witnesses, there is no pressing need for their testimony. The reliability of the XB witnesses, given their late discovery and their status as detainees, is also questioned. Nor has the Prosecution shown, as in other cases, that these witnesses are needed to replace the testimony of witnesses who are unable to come to Arusha for security or other reasons, or explained with sufficient precision why the XB witnesses were not discovered earlier.

9. The addition of witnesses on the 30 April 2003 witness list, without prior approval of the Chamber under Rule 73bis (E), is challenged as procedurally improper and an abuse of process of the Chamber. The Defence mentions that the Prosecution is still not in compliance with the Chamber's 8 April 2003 Order requiring reduction of the number of witnesses to one hundred, and alleges that the Prosecution manipulated the procedures of the Tribunal to facilitate the transfer of the XB witnesses from detention in Rwanda before they had been approved as witnesses under Rule 73bis (E).

DELIBERATIONS

(i) The Circulation of Witness Lists By the Prosecution

10. The Defence argues that the Prosecution violated Rule 73bis (E) by failing to obtain the Chamber's approval before circulating witness lists with the names of the six additional witnesses which are the subject of the present motion. The Chamber observes that the Order of 4 November 2002 declared the Prosecution's existing witness list to be defective under Rule 73bis (B)(iv) and requested "a revised witness list within ten days of the date of this decision."⁴ The Order of 8 April 2003 identified a valid witness list comprised of the "active" witnesses on the Prosecution's 12 November 2002 list, and ordered the Prosecution to file a reduced final witness list in accordance with Rule 73bis (D) by 30 April 2003.

⁴ *Prosecutor v. Théoneste Bagosora, Anatole Nsengiyumva, Gratién Kabiligi, and Aloys Ntabakuze*, Decision (Motion By Aloys Ntabakuze's Defence for Execution of the Trial Chamber's Decision of 23 May 2002 on the Prosecutor's Pre-trial Brief, dated 21 January 2002, and Another Motion on a Related Matter), 20 November 2002, para. 21.



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11. There is no suggestion in these orders that the Prosecution's revisions could not include new names, within the quantitative parameters set out by the Chamber. It would have been impracticable, given the short deadlines, for the Prosecution to bring a motion under 73bis (E) prior to filing the final witness list. Moreover, five of the six witnesses are explicitly identified as additions to the witness list, signalling the provisional nature of those additions. It is also recalled that the case was transferred from the former Trial Chamber III to the newly constituted Trial Chamber I on 4 June 2003, and that it was only on 11 June 2003 that it was clarified that the trial would continue and not start *de novo*.⁵ Under these circumstances, the Chamber does not find a violation of Rule 73bis (E).

(ii) Leave to Vary the Witness List under Rule 73bis (E)

12. The Prosecution brings the present motion under Rule 73bis (E), which provides:

After commencement of Trial, the Prosecutor, if he considers it to be in the interests of justice, may move the Trial Chamber for leave to reinstate the list of witnesses or vary his decision as to which witnesses are to be called.

13. The formal listing of witnesses at the beginning of a trial does not preclude the addition of new witnesses. The circumstances in which additions to the witness list should be permitted was carefully examined by this Trial Chamber in the "Media" case:

17. It follows from case law that the final decision as to whether it is in the interests of justice to allow the Prosecution to vary its list of witnesses rests with the Chamber....

19. The Rules do not define the term "interests of justice", but the Chamber is of the opinion that it refers to a discretionary standard applicable in determining a matter given the particularity of the case. When a Trial Chamber has granted leave to call new prosecution witnesses under Rule 73bis, statements of such witnesses will form part of the case against the Accused. It follows that the Chamber in its determination will bear in mind also the question of "good cause".

20. In assessing the "interests of justice" and "good cause" Chambers have taken into account such considerations as the materiality of the testimony, the complexity of the case, prejudice to the Defence, including elements of surprise, on-going investigations, replacements and corroboration of evidence. The Prosecution's duty under the Statute to present the best available evidence to prove its case has to be balanced against the right of the Accused to have adequate time and facilities to prepare his Defence and his right to be tried without undue delay.⁶

14. These considerations require a close analysis of each witness, including the sufficiency and time of disclosure of witness information to the Defence; the probative value of the proposed testimony in relation to existing witnesses and allegations in the indictments; the ability of the Defence to make an effective cross-examination of the proposed testimony, given its novelty or other factors; and the justification offered by the Prosecution for the addition of the witness.

⁵ Decision on Continuation or Commencement *De Novo* of Trial, 13 June 2003.

⁶ *The Prosecutor v. Ferdinand Nahimana, Hassan Ngeze, Jean Bosco Barayagwiza*, Decision on the Prosecutor's Oral Motion for Leave to Amend the List of Selected Witnesses, 26 June 2001, paras. 16-20.

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15. The Prosecution gave notice of its intention to call Witnesses XBG, XBH, and Tefnin on 14 November 2002. The testimony of the first witness for the Prosecution, expert witness Alison Des Forges, had not yet been completed. The three other witness, Witnesses XBK, XBM, and Nowrojee, were added on 30 April 2003 after the testimony of one additional witness, Witness ZF. The Prosecution has declared its intention, with the addition of these witnesses, to call 129 witnesses.⁷ As compared to other cases in which additional witnesses have been approved under Rule 73bis (E), these witnesses are being presented very early in the Prosecution case. The possibility of prejudice to the Defence caused by not being able to cross-examine witnesses already heard in light of the areas of testimony of the new witnesses is remote. To the extent such prejudice is caused, exclusion of testimony or recalling previously heard witnesses are more appropriate remedies. Nor can the Chamber accept that, at this early stage of the proceedings, the strategy of the Defence is oriented in a manner which will be prejudiced by the addition of these witnesses.

16. In relation to the fact witnesses (the XB witnesses and Witness Tefnin), the Defence is justified in its objection that it may not have the same opportunity to investigate the statements and background of these additional witnesses as it would for those already figuring on the witness list. However, the Chamber is satisfied that prejudice has been minimized by the period of disclosure in this case. The Defence has had notice of the intention to call Witnesses XBG, XBH and Tefnin since 14 November 2002. To the extent that a witness list existed at that moment, these three witnesses appeared amongst the 182 "active" Prosecution witnesses. Under these circumstances, the Defence has known for many months that the Prosecution intended to call these witnesses, and that there was a strong probability that their appearance had already been accepted by the Trial Chamber. Consequently, the Defence cannot reasonably claim unfair surprise or prejudice.

17. Witnesses XBK and XBM were added to the witness list on 30 April 2003. The Trial Chamber notes that the President of the Tribunal rejected the Prosecution's application under Rule 90bis for the transfer of Witness XBK to the Tribunal.⁸ As no other application for transfer has been made, Witness XBK cannot presently be transferred to the Tribunal under Rule 90bis. It follows that the testimony of this witness must be deferred and that any new applications or scheduling of this witness will take account of the Defence's need to have sufficient time to conduct its investigations.

18. The same considerations apply to Witness XBM, although the Chamber notes that the President has already ordered the transfer of this witness to the Tribunal. The Chamber is of the view that judicial economy and the interests of justice can best be accommodated by delaying the testimony of Witness XBM as long as possible within the current session and within the constraints imposed by the Transfer Order.

19. Other considerations relevant under Rule 73bis(E) also favour the inclusion of the proposed testimony of the additional witnesses. At this early stage of the trial, the probative value of these fact witnesses in relation to existing witnesses is difficult to gauge, particularly in light of the complexity and disparity of allegations in the indictments, the number of witnesses, and the nature of the charges, which include conspiracy and command responsibility. The XB witnesses are said to have direct and indirect evidence concerning acts in the indictments against the Accused Bagosora and Nsengiyumva, principally in Gisenyi. The Defence argues that this testimony relates to allegations not previously contained in the indictments or the Prosecution's pre-trial brief, and constitutes "trial by ambush." The

⁷ Trial Chamber I has not decided pending Defence motions to order the Prosecution to reduce its witness list to one-hundred names in accordance with Trial Chamber III's 8 April 2003 Order.

⁸ *Prosecutor v. Théoneste Bagosora, Anatole Nsengiyumva, Gratién Kabiligi, and Aloys Ntabakuze*, Decision on the Prosecution's Request for the Transfer of Detained Witnesses, 4 June 2003.

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Chamber notes that it is impossible to know at this stage, with sufficient particularity, how closely the testimony relates to allegations in the indictments and the pre-trial brief. The proposed areas of testimony could present evidence squarely within those allegations, or it may raise entirely new material facts not previously identified. The Chamber is satisfied that at least some portion of the proposed testimony is probative of allegations in the indictments. To the extent testimony impermissibly raises new material facts, appropriate applications can be made in the course of the trial.

20. Witness Tefnin is said to have direct evidence of the activities of the Accused Aloys Ntabakuze at a specific location in Kigali. Though that location is not specifically mentioned in his indictment, those activities could be probative of charges of responsibility mentioned in paragraphs 6.45-6.50. Indeed, during the testimony of Alison Des Forges on this subject, the Trial Chamber overruled the objection of the Defence for Ntabakuze that the information was unrelated to the indictment or had not previously been disclosed in the witness statements.⁹ However, to the extent Witness Tefnin's testimony goes beyond matters of which the Defence has notice, the Chamber will consider the issues in the course of the trial.

21. While the Chamber is satisfied that the testimony of these witnesses may have substantial probative value, the Prosecution has not demonstrated in what respect their testimony is unique in comparison with other witnesses. The impact of this criterion is neutral, however, in light of the large number of witnesses, the complexity of the case, and the failure of either side to clearly establish that the testimony is duplicative or in some way unique.

22. The late discovery of the XB witnesses is said to arise from fresh investigations and an increased willingness by detained persons in Rwanda to make confessions, including testimonies against other participants in the same criminal acts. The Chamber notes that the likelihood of the discovery of fresh evidence after the beginning of a trial increases with the length of the trial. Although the Prosecution has not given an account of the relationship amongst the XB witnesses, why disclosure of some was made before others, or precisely why they were not discovered earlier, the Chamber considers it plausible that this information is newly discovered without further proof. As to Witness Tefnin, the Chamber accepts the Prosecution's submission that the relevance of his testimony arose from the testimony of Alison Des Forges on 18 September 2002.¹⁰ Disclosure of the specific evidence of Mr. Tefnin was made by letter from the Prosecution to the Defence for Ntabakuze dated 24 September 2002, and Mr. Tefnin's name was subsequently inserted into the witness list dated 12 November 2002.

23. The criteria of Rule 73bis (E) with respect to expert witnesses should be viewed in light of Rule 94bis, which requires an expert report to be filed no later than twenty-one days before testimony is expected. This obligation is substantially less onerous than that provided in Rule 66(A)(ii), which requires statements of all other witnesses to be disclosed sixty days before trial. The Prosecution claims that Witness Nowrojee will replace several other witnesses, and that her testimony will be probative of facts not otherwise the subject of testimony. The Chamber finds that no prejudice will be suffered by adding her to the witness list at this early stage of the trial. The Chamber suggests that the Prosecution disclose the witness's expert report and all other required materials as soon as possible instead of waiting until twenty-one days before testimony.

⁹ Transcripts of 18 September 2002, pp. 54-58.

¹⁰ Ibid.

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FOR THE ABOVE REASONS, THE CHAMBER

GRANTS leave to the Prosecution to add Witnesses XBG, XBH, XBK, XBM, Tefnin, and Nowrojee to the list of witnesses it intends to call to testify;

DECIDES that the testimony of Witness XBM is to be given as late as possible in the current session to enable the Defence to prepare its cross-examination.

Arusha, 26 June 2003



Erik Møse
Presiding Judge



Jai Ram Reddy
Judge



Sergei Alekseevich Egorov
Judge

[Seal of the Tribunal]

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ANNEX A
AMENDED WITNESS LIST



SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

**AMENDED WITNESS LIST
NOVEMBER 2007**

AMENDED CORE WITNESS LISTS – LINKAGE & CRIME BASE

1. Amended Core List: Predominantly Linkage Witnesses

Core Predominantly Linkage Witnesses			
	TF Number	Rule 92 bis / Live	Rule 93
1.	TF1-033	Rule 92 bis	Yes
2.	TF1-036	Rule 92 bis	Yes
3.	TF1-041	Rule 92 bis	Yes
4.	TF1-045	Rule 92 bis	Yes
5.	TF1-046	Live	Yes
6.	TF1-071	Rule 92 bis	Yes
7.	TF1-139 ¹	Live	Yes
8.	TF1-151	Live	Yes
9.	TF1-167	Rule 92 bis + live	Yes
10.	TF1-168	Rule 92 bis + live	Yes
11.	TF1-184	Rule 92 bis	Yes
12.	TF1-274	Live	Yes
13.	TF1-275	Live	Yes
14.	TF1-276	Live	Yes
15.	TF1-334	Rule 92 bis + live	Yes
16.	TF1-336	Rule 92 bis	Yes
17.	TF1-337	Live	Yes
18.	TF1-338	Live	Yes
19.	TF1-352	Live	Yes
20.	TF1-355	Live	Yes
21.	TF1-360	Rule 92 bis + live	Yes
22.	TF1-362	Rule 92 bis + live	Yes
23.	TF1-366	Rule 92 bis + live	Yes
24.	TF1-367	Rule 92 bis + live	No
25.	TF1-371	Rule 92 bis + live	Yes
26.	TF1-374	Live	No
27.	TF1-375	Live	Yes
28.	TF1-376	Live	Yes

¹ Also to be considered a factual overview witness.

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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

Core Predominantly Linkage Witnesses			
	TF Number	Rule 92 bis / Live	Rule 93
29.	TF1-377	Live	No
30.	TF1-385	Live	No
31.	TF1-388	Live	Yes
32.	TF1-390	Live	No
33.	TF1-395	Live	Yes
34.	TF1-399	Live	Yes
35.	TF1-401	Live	Yes
36.	TF1-406	Live	Yes
37.	TF1-481	Live	No
38.	TF1-515	Live	Yes
39.	TF1-516	Live	Yes
40.	TF1-521	Live	No
41.	TF1-532	Live	Yes
42.	TF1-539	Live	No
43.	TF1-542	Live	Yes
44.	TF1-547	Live	Yes
45.	TF1-548	Live	Yes
46.	TF1-555	Live	Yes
47.	TF1-556	Live	Yes
48.	TF1-558	Live	Yes
49.	TF1-561	Live	Yes
50.	TF1-566	Live	Yes
51.	TF1-567	Live	Yes
52.	TF1-568	Live	No
53.	TF1-570	Live	Yes
54.	TF1-571	Live	Yes
55.	TF1-572	Live	Yes
56.	TF1-575	Live	Yes
57.	TF1-577	Live	Yes
58.	TF1-579	Live	Yes
59.	TF1-584	Live	Yes
60.	TF1-590	Live	Yes
61.	Stephen Smith	Live	Yes



SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

**2. Former Core Predominantly Linkage Witnesses: Moved to Back-up
(see table 6 below)**

	TF Number	Rule 92 bis / Live	Rule 93
1.	TF1-042	Rule 92 bis	No
2.	TF1-397	Live	Yes
3.	TF1-413	Live	No
4.	TF1-414	Live	Yes
5.	TF1-510	Rule 92 bis	No
6.	TF1-540	Live	Yes
7.	TF1-554	Live	Yes
8.	TF1-565	Live	Yes

3. Former Core Predominantly Linkage Witnesses: Deleted from Witness List

	TF Number	Rule 92 bis / Live	Rule 93
1.	TF1-093	Live	Yes
2.	TF1-518	Live	Yes
3.	TF1-546	Live	Yes

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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

4. Amended Core List: Predominantly Crime Base Witnesses

Core Predominantly Crime Base Witnesses			
	TF Number	Rule 92 bis / Live	Rule 93
1.	TF1-004	Rule 92 bis	Yes
2.	TF1-015	Live	No
3.	TF1-016	Rule 92 bis	No
4.	TF1-019	Rule 92 bis	Yes
5.	TF1-021	Rule 92 bis	No
6.	TF1-023	Rule 92 bis	No
7.	TF1-024	Rule 92 bis	No
8.	TF1-026	Live	No
9.	TF1-028	Live	Yes
10.	TF1-029	Rule 92 bis	No
11.	TF1-035	Live	No
12.	TF1-054	Rule 92 bis	Yes
13.	TF1-060	Rule 92 bis	Yes
14.	TF1-062	Rule 92 bis	Yes
15.	TF1-064	Rule 92 bis	Yes
16.	TF1-072	Rule 92 bis	Yes
17.	TF1-074	Rule 92 bis	No
18.	TF1-076	Rule 92 bis	Yes
19.	TF1-077	Rule 92 bis	No
20.	TF1-081	Rule 92 bis	No
21.	TF1-083	Rule 92 bis	No
22.	TF1-084	Rule 92 bis	No
23.	TF1-085	Rule 92 bis	No
24.	TF1-086	Rule 92 bis	No
25.	TF1-087	Rule 92 bis	No
26.	TF1-088	Rule 92 bis	Yes
27.	TF1-089	Rule 92 bis	Yes
28.	TF1-092	Rule 92 bis	Yes
29.	TF1-097	Rule 92 bis	No
30.	TF1-098	Rule 92 bis	No
31.	TF1-101	Live	No
32.	TF1-104	Rule 92 bis	yes
33.	TF1-108	Rule 92 bis	Yes
34.	TF1-113	Rule 92 bis	Yes
35.	TF1-114	Live	Yes



SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

Core Predominantly Crime Base Witnesses			
	TF Number	Rule 92 bis / Live	Rule 93
36.	TF1-116	Rule 92 bis	Yes
37.	TF1-122	Rule 92 bis	Yes
38.	TF1-125	Rule 92 bis	Yes
39.	TF1-129	Rule 92 bis	Yes
40.	TF1-132	Rule 92 bis	Yes
41.	TF1-141	Rule 92 bis	Yes
42.	TF1-143	Rule 92 bis	Yes
43.	TF1-157	Rule 92 bis	Yes
44.	TF1-158	Rule 92 bis	Yes
45.	TF1-169	Rule 92 bis	No
46.	TF1-173	Rule 92 bis	No
47.	TF1-174	Rule 92 bis	Yes
48.	TF1-189	Rule 92 bis	Yes
49.	TF1-192	Live	Yes
50.	TF1-195	Rule 92 bis	Yes
51.	TF1-197	Rule 92 bis	No
52.	TF1-198	Rule 92 bis	Yes
53.	TF1-200	Rule 92 bis	Yes
54.	TF1-201	Rule 92 bis	Yes
55.	TF1-206	Rule 92bis	Yes
56.	TF1-210	Rule 92 bis	Yes
57.	TF1-215	Live	Yes
58.	TF1-216	Rule 92 bis	Yes
59.	TF1-217	Rule 92 bis	No
60.	TF1-218	Rule 92 bis	Yes
61.	TF1-220	Rule 92 bis	Yes
62.	TF1-227	Rule 92 bis	No
63.	TF1-233	Rule 92 bis	No
64.	TF1-245	Rule 92 bis	No
65.	TF1-247	Rule 92 bis	Yes
66.	TF1-251	Live	Yes
67.	TF1-263	Rule 92 bis	Yes
68.	TF1-278	Rule 92 bis	No
69.	TF1-279	Rule 92 bis	No
70.	TF1-303	Rule 92 bis	Yes
71.	TF1-304	Rule 92 bis	No
72.	TF1-305	Rule 92 bis	Yes
73.	TF1-314	Rule 92 bis	Yes



SPECIAL COURT FOR SIERRA LEONE
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Core Predominantly Crime Base Witnesses			
	TF Number	Rule 92 bis / Live	Rule 93
74.	TF1-317	Rule 92 bis	Yes
75.	TF1-326	Live	Yes
76.	TF1-330	Live	Yes
77.	TF1-331	Rule 92 bis	No
78.	TF1-459	Rule 92 bis	Yes

5. Former Core Crime Base Witnesses: Deleted from Witness List

	TF Number	Rule 92 bis / Live	Rule 93
1.	TF1-020	Live	Yes
2.	TF1-119	Live	Yes
3.	TF1-193	Live	Yes
4.	TF1-235	Live	No
5.	TF1-280	Rule 92bis	No



SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

AMENDED BACK-UP WITNESS LISTS: LINKAGE & CRIME BASE

6. Amended Back-up List: Predominantly Linkage Witnesses

Back-up Predominantly Linkage Witnesses			
	TF Number	Rule 92 bis / Live	Rule 93
1.	TF1-030	Live	Yes
2.	TF1-042	Rule 92 bis	No
3.	TF1-044	Live	Yes
4.	TF1-187	Live	Yes
5.	TF1-335	Live	Yes
6.	TF1-347	Live	No
7.	TF1-361	Rule 92 bis + live	Yes
8.	TF1-373	Live	Yes
9.	TF1-380	Live	No
10.	TF1-381	Live	No
11.	TF1-387	Live	Yes
12.	TF1-397	Live	Yes
13.	TF1-407	Live	No
14.	TF1-408	Rule 92 bis	No
15.	TF1-410	Live	Yes
16.	TF1-413	Live	No
17.	TF1-414	Live	Yes
18.	TF1-416	Live	Yes
19.	TF1-423	Live	Yes
20.	TF1-460	Live	No
21.	TF1-510	Rule 92 bis	No
22.	TF1-517	Live	Yes
23.	TF1-519	Live	Yes
24.	TF1-522	Live	No
25.	TF1-525	Live	No
26.	TF1-540	Live	Yes
27.	TF1-554	Live	Yes
28.	TF1-559	Live	Yes
29.	TF1-560	Live	Yes
30.	TF1-563	Live	No
31.	TF1-565	Live	Yes
32.	TF1-569	Live	No

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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

7. Former Back-up Predominantly Linkage Witnesses: Moved to Core
(see table 1 above)

	TF Number	Rule 92 bis / Live	Rule 93
1.	TF1-555	Live	Yes

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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

8. Amended Back-up List: Predominantly Crime Base Witnesses

Back-up Predominantly Crime Base Witnesses			
	TF Number	Rule 92 bis / Live	Rule 93
1.	TF1-013	Rule 92 bis	No
2.	TF1-014	Rule 92 bis	No
3.	TF1-017	Rule 92 bis	Yes
4.	TF1-018	Rule 92 bis	Yes
5.	TF1-022	Rule 92 bis	No
6.	TF1-039	Rule 92 bis	No
7.	TF1-065	Rule 92 bis	Yes
8.	TF1-067	Rule 92 bis	Yes
9.	TF1-068	Rule 92 bis	Yes
10.	TF1-069	Rule 92 bis	No
11.	TF1-070	Rule 92 bis	Yes
12.	TF1-082	Rule 92 bis	No
13.	TF1-095	Rule 92 bis	No
14.	TF1-099	Rule 92 bis	No
15.	TF1-105	Rule 92 bis	No
16.	TF1-109	Rule 92 bis	No
17.	TF1-115	Rule 92 bis	Yes
18.	TF1-131	Rule 92 bis	Yes
19.	TF1-133	Rule 92 bis	Yes
20.	TF1-175	Rule 92 bis	Yes
21.	TF1-213	Rule 92 bis	Yes
22.	TF1-226	Rule 92 bis	No
23.	TF1-240	Rule 92 bis	No
24.	TF1-281	Rule 92 bis	Yes
25.	TF1-284	Rule 92 bis	No
26.	TF1-307	Rule 92 bis	Yes
27.	TF1-308	Rule 92 bis	Yes
28.	TF1-313	Rule 92 bis	Yes
29.	TF1-327	Rule 92 bis	Yes
30.	TF1-339	Rule 92 bis	No
31.	TF1-393	Rule 92 bis	Yes
32.	TF1-424	Rule 92 bis	Yes
33.	TF1-425	Rule 92 bis	Yes
34.	TF1-450	Rule 92 bis	Yes
35.	TF1-477	Rule 92 bis	Yes



SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

**9. Former Back-up Crime Base Witnesses: Moved to Core
(see table 4 above)**

	TF Number	Rule 92 bis / Live	Rule 93
1.	TF1-076	Rule 92 <i>bis</i>	Yes
2.	TF1-157	Rule 92 <i>bis</i>	Yes
3.	TF1-158	Rule 92 <i>bis</i>	Yes
4.	TF1-278	Rule 92 <i>bis</i>	No

10. Former Back-up Crime Base Witnesses: Deleted from Witness List

	TF Number	Rule 92 bis / Live	Rule 93
1.	TF1-180	Rule 92 <i>bis</i>	Yes

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ANNEX B
WITNESS SUMMARIES

12645



SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

Stephen Smith

- Viva Voce Rule 92bis
 Rule 93 Pre-Trial Protective Measures
 Rule 92ter Trial Protective Measures

Relevant Counts: 1-11

Relevant Paragraphs of the Indictment: 3, 5, 33, 34

Time required for direct examination: 1 hour

The witness may provide evidence in relation to the following:

Personal background including meeting the Accused while the Witness was reporting on the war in Liberia

Meeting with the Accused on several occasions

A November 2000 interview with the Accused, in which the Accused told the witness that in his view the war in Sierra Leone was a war for diamonds and that the RUF had committed terrible atrocities.



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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

TF1-024

- Viva Voce Rule 92bis
 Rule 93 Pre-Trial Protective Measures
 Rule 92ter Trial Protective Measures

Relevant Counts: 1, 2, 3, 4, 7, 10, 11

Relevant Paragraphs of the Indictment: 5, 6, 8, 9, 13, 14, 17, 18, 21, 23, 27, 28, 31

The witness will provide evidence in relation to the following:

Personal Background Information

Attack on civilians by AFRC/RUF forces in various locations in Freetown in January 1999

Civilians abducted and taken to the State House where they were beaten, killed and the women raped by AFRC/RUF fighter in January 1999

Looting and burning of civilian homes in and around Kissy Road, civilians abducted and forced to carry loads to Calaba Town

Burning of civilians' homes and public buildings in Freetown from 6 January 1999

Involvement of Liberian personnel with AFRC/RUF in Sierra Leone, crimes committed by these personnel



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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

TF1-556

- | | |
|---|---|
| <input checked="" type="checkbox"/> Viva Voce | <input type="checkbox"/> Rule 92bis |
| <input checked="" type="checkbox"/> Rule 93 | <input checked="" type="checkbox"/> Pre-Trial Protective Measures |
| <input type="checkbox"/> Rule 92ter | <input type="checkbox"/> Trial Protective Measures |

Relevant Counts: 1 - 11

Relevant Paragraphs of the Indictment: 2, 5, 9, 14, 18, 22, 23, 28, 33, 34

Time required for direct examination: 7 hours

The witness will provide evidence in relation to the following:

Personal background information

Military training of National Patriotic Front of Liberia (NPFL) and Revolutionary United Front (RUF) personnel in Libya

Leadership of the NPFL and RUF in Libya

Libyan instructors' teaching in the training base in Libya about the advantages of using small boys in battle

Agreement between the Accused and other leaders in the late 1980's to attack Liberia first then move on to other countries

Use of arms and ammunition provided by Libya to attack Liberia and initial NPFL attack on Liberia in the end of 1989

Composition, command structure and reporting system of the NPFL from the late 1980's until the late 1990's, including but not limited to the composition and command structure of the force that initially attacked Liberia in late 1989

The Accused's command and control over the RUF throughout the conflict in Sierra Leone

Crimes against Liberian civilians committed by the NPFL in Liberia, including but not limited to murder, rapes, looting, and use as forced labour; the Accused's knowledge of the commission of these crimes

The Accused's "Operation Octopus" launched in Liberia against ECOMOG (Economic Community of West African States Monitoring Group) forces

NPFL recruiting child soldiers (SBUs) in Liberia, providing military training to them



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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

Reports to the Accused about training of SBUs

The Accused's use of SBUs in Liberia while President of Liberia

Planning meetings in Liberia for the initial invasion of Sierra Leone in early 1990s; the Accused's presence at a planning meeting, the Accused's instruction to capture Kono and all the diamond areas and to recruit people to fight

The Accused's assistance to the RUF from the early 1990's onward, including but not limited to supplying the RUF with arms and ammunition, providing training to RUF personnel (including SBUs) and providing non-Sierra Leonean fighters for use in Sierra Leone

Composition and command structure of the forces that initially attacked Sierra Leone in the early 1990's, including NPFL SBUs

Communication between the Accused and NPFL commanders on the ground in Sierra Leone after the initial invasion about the training of civilians and children

Written files kept for Foday Sankoh and the Accused about numbers, names and ages of people trained in Sierra Leone after the initial invasion of Sierra Leone

Use of SBUs by the RUF in the early fighting in Sierra Leone

Military reports about the war situation in Sierra Leone sent to the Accused in Gbarnga

Shipments of arms and ammunition from Liberia to Sierra Leone before the Accused became President of Liberia; involvement of Benjamin Yeaten and Sam Bockarie in these shipments

Communications between the Accused and his subordinates and with the RUF to ensure the receipt of arms and ammunition and the movement of arms and ammunition and other supplies from Liberia to Sierra Leone

Meetings in Liberia between the Accused and RUF authorities and diamonds being handed over to the Accused

Following the Accused's election as President of Liberia, the shipment of arms by land to Sierra Leone by the Accused's subordinates.

Presence of high level RUF leaders in Liberia, including Foday Sankoh and Sam Bockarie, meetings between the Accused and those high level leaders, high level leaders bringing diamonds for the Accused



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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

RUF sending personnel, including but not limited to small boys, for military training in Liberia between about 1992 and 1994, the Accused's presence at ceremonies at the completion of that training

The Accused's knowledge of NPFL atrocities in Liberia, similar to those committed by the RUF in Sierra Leone

Fact that the amputations of civilians in Sierra Leone were common knowledge among civilians and the Accused's subordinates in Liberia

RUF assistance to the Accused in Liberia



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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

TF1-571

- Viva Voce Rule 92bis
 Rule 93 Pre-Trial Protective Measures
 Rule 92ter Trial Protective Measures

Relevant Counts: 1 - 11

Relevant Paragraphs of the Indictment: 5, 9, 14, 18, 22, 23, 28, 33, 34

Time required for direct examination: 7 hours

The witness may provide evidence in relation to the following:

Personal background information

Conscription of civilians into the Revolutionary United Front (RUF) in the early 1990's, including the witness' conscription into the RUF

The Accused's assistance to the RUF and later to the AFRC/RUF, including but not limited to providing military training to RUF personnel in the early 1990's, providing safe havens in the early 1990's, providing personnel to fight in Sierra Leone in the early 1990's, providing arms and ammunition in particular during the period from about 1998 through 2002, providing a helicopter to facilitate the movement of AFRC/RUF personnel and arms and ammunition between Liberia and Sierra Leone

The involvement of personnel subordinate to the Accused such as Benjamin Yeaten, in providing this assistance to the RUF and later to the AFRC/RUF, the provision of a helicopter to facilitate this assistance

Foday Sankoh's meeting in or around early 1997 with senior leaders of the RUF, including Sam Bockarie, Issa Sesay, Augustine Gbao, Morris Kallon, and subordinates of the Accused. Sankoh's instruction that, in his absence, all orders were to come from the Accused, confirmation of several promotions in the RUF; confirmation of Sankoh's instructions by the Accused's subordinates

Travel of senior level AFRC/RUF (Armed Forces Revolutionary Council and RUF alliance) commanders, including but not limited to Sam Bockarie and Issa Sesay, to Liberia, including to Monrovia and Foya, after the arrest of RUF leader Foday Sankoh, to meet with the Accused, give the Accused diamonds mined in Sierra Leone, and/or to obtain money, arms and ammunition from the Accused

Communications between subordinates of the Accused and the Accused regarding the capture of the Tongo diamond fields during the Junta period. Thereafter,



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communications between subordinates of the Accused and the Accused regarding packages of diamonds for the Accused from Tongo during the Junta period

AFRC/RUF diamond mining in Sierra Leone, providing diamonds to the Accused, in particular from 1997 onwards. Presence of the Accused's subordinates, including Jungle, at Cyborg pit when forced mining by civilians being performed. Flogging of civilians involved in mining in presence of Accused's subordinates

The Accused's use of subordinate Liberian personnel and/or associates to liaise with the AFRC/RUF regarding diamond mining and to monitor that diamond mining for the Accused

Organisation of diamond mining operations including command and reporting structure

Strategy meeting in Buedu (after the Intervention and before the death of Sani Abacha) with senior AFRC/RUF leaders and others including but not limited to Sam Bockarie, Johnny Paul Koroma, "Gullit", Issa Sesay, Morris Kallon, Augustine Gbao, at which was discussed *inter alia* the Accused advising Bockarie that Accused would facilitate the provision of arms from Blaise Compaore in Burkina Faso to the AFRC/RUF; the initiation of construction of an air drop point site around Buedu and Dawa for the Accused to send ammunitions and supplies to the AFRC/RUF, the setting up of a training base in Bunumu, Kailahun to train more people for the movement including SBUs, and the Accused's interest in starting significant mining operations

The return of Sam Bockarie in late 1998 from Burkina Faso with arms, ammunitions and military uniforms

Strategy meeting in Buedu in or around late 1998 after Sam Bockarie returned from Burkina Faso, attended by the Accused's subordinates, to discuss a large scale operation called "Operation Free the Leader" including the attack on Freetown, whose objectives were to free Foday Sankoh and to take control of the government

The Accused ordering Sam Bockarie, senior leader of the AFRC/RUF, to assist subordinates of the Accused to attack the LURD (Liberians United for Reconciliation and Democracy) in Liberia, RUF compliance with that order



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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

TF1-572

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| <input checked="" type="checkbox"/> Rule 93 | <input type="checkbox"/> Pre-Trial Protective Measures |
| <input type="checkbox"/> Rule 92ter | <input type="checkbox"/> Trial Protective Measures |

Relevant Counts: 1 – 11

Relevant Paragraphs of the Indictment: 5, 9, 14, 18, 22, 23, 28, 33, 34

Time required for direct examination: 4 hours

The witness may provide evidence in relation to the following:

Personal background information

Relationship between the Accused and the RUF and Foday Sankoh in 1990's.

The Accused' assistance to the RUF to include providing military training facilities at Camp Nama, training instructors and military training in the early 1990's in Liberia and providing food supplies

Involvement of personnel subordinate to the Accused in the initial invasion of Sierra Leone in 1991, command structure of the forces

The Accused' assistance to the AFRC/RUF during the post-Junta period to include providing food items and ammunition

Trips made by Sam Bockarie to Liberia during the post-Junta period and Sam Bockarie returning with food, arms and ammunition. Sam Bockarie's transmission of the Accused's orders and instructions to senior RUF commanders in Sierra Leone upon Bockarie's return from these trips

The AFRC/RUF command structure in Kono District during the post-Junta period.

Planning for the attack on Koidu Town, Kono District, in December 1998, the distribution of ammunition to fighters in Kono District, the distribution of ammunition received from RUF senior commander Sam Bockarie in Buedu, Kailahun District

RUF members in Kono District being sent during the post-Junta period to loot food from civilians and to force civilians to transport such looted items

Forced mining by civilians in Kono District during the post-Junta period

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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

The receipt of diamonds resulting from such forced mining by CO Kennedy.
Transmission of diamonds by CO Kennedy to Sam Bockarie



12654

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

TF1-575

- Viva Voce Rule 92 *bis*
 Rule 93 Pre-Trial Protective Measures
 Trial Protective Measures

Relevant Counts: 1-11

Relevant Paragraphs of the Indictment: 2, 3, 5, 33, 34

Time required for direct examination: 8 hours

The witness may provide evidence in relation to the following:

Personal background information

The Accused's style of leadership with the NPFL and RUF, the manner in which he kept informed of events in Liberia and Sierra Leone, and the control the Accused exercised over subordinates.

Training of the Accused's fighters including how to make people fearful by killing, beheading and crucifying

The Accused's use of covert fighters in Lofa County, Liberia in violation of a cease fire there

Information regarding how communications systems were used.

Information about common practices in the NPFL under the Accused, including the use of child soldiers, looting of civilian property, use of forced labour, commission of sexual crimes and the killing of civilians

The Accused's lack of concern about what happened to civilians during the conflicts in Liberia and Sierra Leone but at the same considering them his "pepper bush".

The Accused's influence and authority over the RUF and senior leaders of the RUF including Foday Sankoh.

Sam Bockarie's trips to Liberia and relationship with the Accused's subordinate, Benjamin Yeaten, and the Accused.

The Accused's assistance to the RUF, including training in Liberia and arms and ammunition; the use of the Accused's subordinates in the provision of this assistance .



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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

Use of radio communications by the Accused's subordinate, Benjamin Yeaten, to monitor RUF radio communications and frequencies

Arms and supplies were shipped from Liberia to the RUF

Use of RUF manpower in Liberia for military operations against the LURD

Meeting in 1999 between Accused and Johnny Paul Koroma, Foday Sankoh and Sam Bockarie

Fact that the commission of atrocities in Sierra Leone by the RUF was well-known in Liberia; that these atrocities were shown on BBC and CNN

The Accused comments on the RUF's notorious use of amputations

In early 1999, Sam Bockarie phoning the Accused to inform him that he was in Freetown.



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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

TF1-577

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| <input type="checkbox"/> Rule 92ter | <input type="checkbox"/> Trial Protective Measures |

Relevant Counts: 1-11

Relevant Paragraphs of the Indictment: 5, 9, 14, 18, 22, 23, 28, 33, 34

Time required for direct examination: 7 hours

The witness will provide evidence in relation to the following:

Personal background information

Forced conscription and training of civilians into the Revolutionary United Front (RUF) by NPFL Special Forces in early 1990's, including Witness's conscription; shooting of conscripts who tried to escape.

In the early 1990, the Accused's assistance to the RUF, including but not limited to providing military training by NPFL to RUF personnel

In the early 1990's, regular radio communication between the Accused and Foday Sankoh

Requests for ammunition by the RUF when under "fighting pressure" during the dry season 1996-97 being made to subordinates of the Accused in Liberia and such requests being satisfied

Sam Bockarie's travel to Gbarnga before the Junta period and receipt of ammunition for the RUF in Sierra Leone; the Accused presence in Gbarnga at that time

The Accused providing a satellite telephone to a senior leader of the RUF, Sam Bockarie, during the Junta period which was used for communications between Bockarie and the Accused concerning situation reports on the conflict in Sierra Leone and the provision of strategic advice by the Accused in 1998 and 1999

The Accused's instructions after the Intervention in 1998 that the RUF and AFRC work together

The Accused's promotion of Sam Bockarie as Chief of Defence Staff and General after the Intervention in 1998



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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

The Accused's involvement in mediation talks between Sam Bockarie and Johnny Paul Koroma in 1999

The Accused's assistance to the RUF at the request of: (i) Sam Bockarie shortly before the Junta period to supply ammunition to Buedu in order to assist the RUF when under military pressure; and (ii) Issa Sesay in or around 2000 including but not limited to providing ammunition and medicine and such assistance being transported to Vahun by helicopter and then by truck to Bomaru, Sierra Leone

Frequent travel of senior level AFRC/RUF (Armed Forces Revolutionary Council and RUF alliance) commanders, including but not limited to Sam Bockarie and Issa Sesay, to Liberia to meet with the Accused

The involvement of personnel subordinate to the Accused in providing assistance to the RUF and later to the AFRC/RUF.

Regular deliveries of ammunition, food and other supplies to Buedu in Sierra Leone by the Accused's subordinates "Jungle" and ZigZag Marzah throughout 1998, 1999 and 2000

The purchase by Sam Bockarie's bodyguards and upon his instructions in 1998 and 1999 of goods near the Guinean border using bills of USD 100 that were obtained in Liberia by the RUF

RUF diamond mining in Sierra Leone and the provision of diamonds to the Accused by Foday Sankoh, Sam Bockarie and other RUF commanders. In particular: (i) the exchange of diamonds for weapons (including anti-tank land mines and anti-aircraft weapons), ammunition, rice and other food items and medicine by Foday Sankoh with the Accused in the early 1990s; (ii) exchange of diamonds for arms and ammunition by Sam Bockarie with the Accused in 1998 and 1999

Meetings in 1998 in Kailahun district with representatives of the Accused and AFRC/RUF commanders and instructions from the Accused to take over Kono and the diamonds fields

The Accused's order to construct an airfield in 1998 in Buedu for the deliveries of material from Liberia

Representatives of the Accused sent to Kailahun in 1998 to assist the RUF on repairing a 40 barrel missile

Throughout the conflict the recruitment of children (as young as 9 or 10 and male and female) into the RUF their training, in particular in 1998 in Bunumbu Training Camp, and their use in fighting

Use of civilians as forced labour by RUF for mining in Kono from 1998 to 2000



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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

Use of civilians as forced labour by AFRC/RUF for food finding missions in Kono in 1998

Looting of civilian's properties by AFRC/RUF troops in Kono in 1998

Massacre of civilians by CO Savage in 1998 in Tombodu

Abduction and use of women as wives by AFRC/RUF after the Intervention in 1998 in Kono and Kailahun

The provision of RUF manpower by Sam Bockarie and Issa Sesay at the request of the Accused to assist forces of the Accused to attack the LURD (Liberians United for Reconciliation and Democracy) in Liberia in 1999 and 2000.

Involvement of the Accused in the departure of Sam Bockarie from the RUF at the end of 1999

In or around 2000, the transport of UN vehicles and heavy weapons captured from abducted UN peacekeepers to the Accused

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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

TF1-579

- Viva Voce Rule 92bis
- Rule 93 Pre-Trial Protective Measures
- Rule 92ter Trial Protective Measures

Relevant Counts: 1-11

Relevant Paragraphs of the Indictment: 2, 3, 5, 9, 14, 18, 22, 23, 28, 33, 34

Time required for direct examination: 8 hours

The witness will provide evidence in relation to the following:

Personal background information

Command structure of the NPFL, militias and AFL throughout the war in Liberia

Command and control of the Accused over his troops in Liberia (NPFL, militias and later AFL)

Command and control of the Accused over the RUF throughout the war in Sierra Leone

Atrocities committed by NPFL troops during the civil war in Liberia

Order from the Accused to start the war in Sierra Leone

Assistance provided to the Accused in relation to the initial invasion of Sierra Leone in 1991 including provision of officers to led the operations, manpower, , military training of RUF in Liberia and use of territory under Accused's control to launch attack

During the pre-Indictment period, presence of Foday Sankoh in Gbarnga to meet with the Accused

Training and use of small boys by NPFL in Liberia with the knowledge of the Accused

Manpower sent from Liberia – including SBUs - to Sierra Leone to fight alongside the RUF throughout the war in Sierra Leone. Knowledge of the Accused about NPFL SBUs fighting in Sierra Leone

NPFL fighters buying looted goods from RUF fighters before the Junta period



SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

Before the Junta period RUF troops coming to Liberia to fight the ULIMO alongside NPFL forces in order to keep the supply line open between Liberia and Sierra Leone

Before the Junta period shipments of ammunition sent from the NPFL in Liberia to the RUF in Sierra Leone

The Accused' assistance to the RUF including to senior commanders in the RUF such as Sam Bockarie and Issa Sesay, during the post-Junta period to include providing ammunition and clothing for military purposes

Trips made by the Accused's subordinates, including Daniel Tamba also known as Jungle and Sampson, to Buedu during the post-Junta period to deliver ammunition and clothing and reports made by such subordinates to Benjamin Yeaten regarding the situation in Sierra Leone.

Daniel Tamba also known as Jungle as a liaison between the Accused and the RUF during the post-Junta period

Trips by the RUF high command – including Sam Bockarie, Issa Sesay and Superman - to Monrovia during the post-Junta period and meetings with the Accused

During the post-Junta period communication between Benjamin Yeaten and the RUF

During the post-Junta period radio operators of Benjamin Yeaten in Monrovia monitoring the RUF radio net and reporting about it to Benjamin Yeaten.

Diamonds brought to the Accused by the RUF during the post-Indictment period and role of General Ibrahim in buying diamonds from the RUF controlled areas

Use made by the RUF of the ammunition supplied to fight battle in Kenema

RUF troops coming to Liberia to fight the LURD alongside Taylor's forces and keep the supply line open between Liberia and Sierra Leone

The Accused ordering Sam Bockarie to assist subordinates of the Accused to attack ULIMO in Liberia, RUF compliance with that order

The Accused's order that Sam Bockarie leave Sierra Leone and pass the leadership of the RUF to Issa Sesay.

Presence of and activities undertaken by Sam Bockarie in Liberia from late 1999 until 2003 and use of Bockarie's men as ATU in charge of the Presidential Motorcade

Murder of Sam Bockarie upon the order of Charles Taylor as the Accused did not want his relationship with the RUF and Sam Bockarie to be exposed



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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

Publicity in media in Liberia regarding the atrocities being committed in Liberia by Taylor's forces

Publicity in media in Liberia during the Indictment period regarding the atrocities being committed by the RUF in Sierra Leone

Execution of RUF and NPFL former combatants in Monrovia in 2003 by subordinates of the Accused



SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

TF1-584

- Viva Voce Rule 92bis
- Rule 93 Pre-Trial Protective Measures
- Rule 92ter Trial Protective Measures

Relevant Counts: 1-11

Relevant Paragraphs of the Indictment: 5, 9, 14, 18, 22, 23, 28, 33, 34

Time required for direct examination: 7 hours

The witness will provide evidence in relation to the following:

Personal background information

Capture of civilians in Kailahun District in April 1991 by fighters, the majority of whom were Liberian.

Forced military training of civilians conducted by Liberian trainers including children near Koidu in 1991

Presence of Liberian and Burkinabe fighters calling themselves "Special Forces" in Sierra Leone in early 1990s

Atrocities committed by NPFL troops in Sierra Leone in the early 1990s including killings and ripping open the stomachs of pregnant mothers to remove the unborn babies.

Operation Stop Election in 1996

Following the Intervention in 1998, the order that soldiers should "pay themselves" and the resulting widespread looting.

Forced military training of abducted civilians at Superman Ground during the post-Junta period

Reports of atrocities being committed in Tombudu during the post-Junta period.

Assistance provided by the Accused in the post-Junta period including the provision of arms and ammunition to Sam Bockarie in Buedu.

Planning and execution of the "Fitti Fatta" Operation in the post-Junta period. The Accused's regular communication with Sam Bockarie in Buedu via satellite telephone at this time.



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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

Attacks on civilians, including amputations in Kono District after the "Fiti Fatta" Operation in mid 1998

Attacks on Alikalia by fighters under the command of Kumba Gbundema and Yifin by RUF/SLA fighters during the post-Junta period and which both resulted in the large scale burning of civilian houses and killings

Formation and composition of the "Red Lion Battalion" which comprised of many Liberians. The Red Lion Battalion moving to reinforce the fighters based at Camp Rosos in the post-Junta period.

Communications between the Red Lion Battalion at Camp Rosos and Superman's group in December 1998 and January 1999. Red Lion Battalion presence in Freetown and reporting to Superman from Freetown

In the period just prior to and during the Freetown invasion on 6 January 1999, communications between: (i) Superman's group based at Lunsar and Sam Bockarie in Buedu; and (ii) Superman and the Red Lion Battalion.

Regular communications during the Freetown invasion between Sam Bockarie in Buedu and Gullit in Freetown.

During the Freetown invasion, orders of Sam Bockarie that RUF Rambo based in Makeni and Superman based in Lunsar to take their fighters to provide reinforcements to Gullit in Freetown.

In or around the time that the rebels lost State House during the January 1999 invasion, Sam Bockarie's order to Gullit to burn Freetown and **attack?** civilians

Sam Bockarie's order that Superman provide a safe corridor for fighters to retreat from Freetown.

Reports by the Red Lion Battalion to Superman, after the retreat from Freetown in January 1999 about atrocities in Freetown

Presence of SLA and RUF fighters in Waterloo following the January 1999 invasion of Freetown.

Looting of property during and after the January 1999 Freetown invasion.

Marking of civilians with the letters "RUF" and "AFRC" by RUF fighters at Lunsar prior to the January 1999 invasion.

Provision of RUF manpower to fight with NPFL forces against the LURD.

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SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR

TF1-590

- Viva Voce Rule 92bis
 Rule 93 Pre-Trial Protective Measures
 Rule 92ter Trial Protective Measures

Relevant Counts: 1-11

Relevant Paragraphs of the Indictment: 3, 5, 33, 34

Time required for direct examination: 3 hours

The witness may provide evidence in relation to the following:

Personal background information.

Efforts by Liberian government forces and RUF personnel in 1998 and 1999 to recruit Sierra Leonean men and boys living in Liberia to train and then go to fight in Sierra Leone.

Presence of high level RUF commanders in Voinjama in late 1998; use of Voinjama to fly in materiel for use by the RUF in Sierra Leone

Arrest, detention in horrible conditions and beating of Sierra Leoneans in Liberia in 1999

The Accused asking detained Sierra Leoneans "Why didn't you want to go and fight for your country when you were most wanted?"

The Accused ordering Sierra Leonean detainees to be taken to the beach and killed before being convinced to order their further interrogation.

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ANNEX C

STATEMENTS & MATERIAL FOR STEPHEN SMITH

12666

TF1 NUMBER	STATEMENTS / PROFFER	ERN
SMITH, Stephen	26.09.07 – 2 typed pages	00043976-00043977
	Le Monde article 15.11.2000 (in French) – 2 typed pages	00036286-00036287
	Second Le Monde article 15.11.2000 (in French) – 1 typed page	00036288
	Le Monde article 15.11.2000 (translated) – 2 typed pages	00043984-00043985
	Second Le Monde article 15.11.2000 (translated) – 2 typed pages	00043986-00043987

00043976

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September 26, 2007

Explicatory note on the circumstances, and background, of Charles Taylor's interview published in *Le Monde* on November 15, 2000

The interview took place in a salon of the *Lutetia Hotel* in Paris where Charles Taylor and his delegation were staying during their private visit to France. It had been arranged for over a lunch meeting, on November 13 at the *Fouquet's* restaurant on Champs Elysées Avenue, with Reginald B. Goodridge, then deputy minister of state and press secretary of President Taylor, Dr. Walid Arbid, a Lebanese lawyer, and Abbas Fawaz, a Lebanese businessman based in Harper (Liberia) and in Abidjan (Ivory Coast). I had not known either Abbas Fawaz or Dr. Walid Arbid prior to this meeting. According to notes which I stored at the time in my PDA, both were acquainted with a Franco-Lebanese lawyer in Paris, Robert Bourgi, who was then -- and still is - very active as a go-between in Franco-African relations.

The interview was recorded for publication. No restrictions were agreed upon, and no remarks were made "off the record". As I usually keep the tapes of important interviews, I have been searching for the cassette over the spring-summer period of 2007 at the request of Nick Koumjian from the International Tribunal -- but to no avail. I might have lost it when I left *Le Monde* in 2005, throwing away parts of the personal archives I had kept in my office at the newspaper.

The interview took place in the presence of only one non-involved person, additional to Charles Taylor and my colleague Jean-Baptiste Naudet from *Le Monde*: Jewel Taylor, the President's wife. I remember her entering the room with her husband, shaking hands with us and then sitting next to Charles Taylor, without uttering a word or showing the slightest reaction to what was said. At the end, she left without any comment.

The interview was carried out, exclusively, in English. It was a professional encounter neither preceded nor followed by any socializing. Jean-Baptiste Naudet and I translated the interview subsequently, and separately, cross-checking on one another to make sure the final text faithfully reflected President Taylor's statements. As is standard practice in journalism, all that was published between quotation marks is a literal translation of what was said and recorded.

Jean-Baptiste Naudet had never met Mr. Taylor in person prior to that occasion.

President Taylor and I knew one another very well as I had been covering the Liberian civil war right from the beginning, both on his side and on the side of late-President Samuel Doe. In August 1990, after an unsuccessful attempt to open a second frontline on the beleaguered Liberian capital by closing in through swamplands, an irate Charles Taylor had branded me as a "spy" accused of having leaked his military plans to the other side (as I happened to be the only journalist present, the day of the "surprise attack", at an unfamiliar site where he had seen me while inspecting his assault units). The night of the ill-fated offensive, I had been arrested in front of several of my colleagues from the international press and taken away by three of Taylor's bodyguards who subsequently had submitted me to a mock execution. A few miles away from where I had been arrested (close to Robertsfield international airport), they had forced me to kneel down by the

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roadside and had stuck a gun to my neck - eventually firing it off next to my head. After three days in detention, I had been released under diplomatic pressure from the United States. As I am a U.S. citizen, fellow journalists had alerted the Department of State in Washington DC.

Once back in Ivory Coast, where I lived at the time, I had published an account of what had happened to me in *Libération*, the French daily newspaper I was then working for as a West Africa correspondent.

Despite my negative experience in the summer of 1990, I had decided to continue to cover the Liberian story professionally, i.e. on all sides. Therefore, prior to the interview recorded in Paris, I had met with Charles Taylor in Monrovia on at least two occasions. The first time we had seen one another again, more than a year after the mock execution, he had opened the conversation with a sonorous laugh ("*Hi Steve, I think I still have your American passport. I should give it back to you one day*"). In fact, he never returned the passport his bodyguards had seized before having me kneel down at the side of the road.

As an acknowledgement of my continuous coverage of the Liberian crisis, the former West Africa correspondent of the *Financial Times*, and then Africa correspondent of *The Guardian*, Mark Huband, who is probably the foreign journalist knowing best Charles Taylor, bestowed on me to preface his account of *The Liberian Civil War* - the title of the book he published in London in 1998.

In the aftermath of the November 2000 interview in Paris, I did not receive any complaints, official or unofficial, from Charles Taylor or his entourage. On the contrary, I recollect a brief telephone conversation with Abbas Fawaz who stated, in essence, that the President was pleased he had been given the opportunity to make his side of the story known to the public. Mr Fawaz provided me with his telephone numbers and encouraged me to contact him if ever he could be helpful to me. I did not call on him subsequently.

September 26, 2007

M. W. Fin

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Le Monde

Charles Taylor, ancien chef de guerre et président du Liberia - « Les officiels britanniques veulent s'emparer des diamants de Sierra Leone ».

Par PROPOS RECUEILLIS PAR JEAN-BAPTISTE NAUDET ET STEPHEN SMITH.

1,213 words

15 November 2000

Le Monde

French

(c) Le Monde, 2000.

Charles Taylor revient à Paris, la seule capitale occidentale où, il y a deux ans, il ait été reçu officiellement. Boycotté par les Etats-Unis et la Grande-Bretagne, il ne sera reçu, au cours de ce séjour privé, ni à l'Élysée ni à Matignon. Mais il mise sur la France pour rompre son isolement. Accusé de trafic de « diamants de sang » sierra-léonais, ce chef de guerre devenu chef d'Etat contre-attaque.

« QUE PENSEZ-VOUS des efforts de paix en Sierra Leone ? Parfois on semble vous traiter comme si vous deviez y ramener la paix, parfois comme si vous étiez de simples trafiquants de diamants.

- Il est regrettable qu'en essayant de diaboliser le président Taylor on réduise la guerre en Sierra Leone à un conflit dont le Liberia essaye de tirer quelque chose. Le fait que des jeunes soldats britanniques aillent se battre dans les forêts de Sierra Leone pour empêcher les Sierra-Léonais de se tuer a-t-il un sens ? Non, cela ne marche pas. Oui, je crois que la guerre en Sierra Leone est une guerre pour les diamants. Mais pas parce que le Liberia veut ces diamants. Nous, nous en avons déjà. Cette guerre a lieu car les Britanniques veulent ces diamants. Il y a des officiels britanniques qui, à travers des sociétés par actions basées à Vancouver (Canada), possèdent ces mines [de diamants en Sierra Leone]. C'est pour cela que les soldats britanniques sont là-bas. Pas à cause de nous. Nous accuser de trafic de diamants, c'est comme accuser l'Arabie saoudite de faire de la contrebande de pétrole ! Le Liberia exporte des diamants depuis cent cinquante ans. Tout à coup le monde est en guerre pour faire la paix en Sierra Leone. Mais ne peut-on pas faire cette paix sans diaboliser le petit Liberia ?

- Les Etats-Unis vous sont très hostiles. Pourquoi ?

- Ils m'accusent d'être impliqué dans le trafic de diamants. Le Conseil de sécurité des Nations unies a créé une commission d'enquête. Mais les Etats-Unis commencent à accuser le Liberia avant même d'avoir le moindre résultat. C'est injuste. Nous sommes prêts à coopérer entièrement à n'importe quelle enquête du Conseil de sécurité. Car nous savons que ces accusations sont des mensonges. Le Liberia n'a jamais été impliqué dans un trafic organisé de diamants. Je regarde maintenant les résultats des élections américaines. Maintenant, les Etats-Unis savent que des erreurs peuvent arriver ! Maintenant, ils voient ce que peuvent traverser les pays du tiers-monde !

- Quel rôle peuvent jouer la France et l'Union européenne ?

- La France a un rôle constructif, l'expérience des problèmes africains. La France est juste avec le Liberia, même si nous ne sommes pas un pays francophone. Nous voulons lancer une enquête complète sur les accusations portées contre le Liberia. Nous sommes accusés de trafic d'armes et de diamants. Nous voulons une enquête car c'est le seul moyen pour nous d'être lavés de ces accusations. L'Europe peut aider à enquêter. On peut nous couper l'aide. On peut ne pas aimer Charles Taylor. Mais il y a des Libériens qui meurent, qui ont besoin d'aide. Les Britanniques ont réussi à arrêter l'aide européenne au Liberia. Mais je suis un chrétien. Alors Dieu a envoyé les inondations à la Grande-Bretagne. Des inondations qui lui coûteront un ou deux milliards de dollars. Dieu a puni la Grande-Bretagne !

- Pensez-vous que le Front révolutionnaire uni doit être intégré au processus de paix en Sierra Leone ?

- Seuls les belligérants peuvent résoudre les conflits. Il n'y a aucun moyen de faire la paix en Sierra Leone en excluant une partie du processus de paix. Comme on dit en Afrique: « A vec un doigt, on ne peut rien attraper, il faut deux doigts. » Le RUF a commis de terribles atrocités. Des gens devront en répondre. Mais ces mêmes gens, qui sont la cause du problème, doivent être une partie de la solution. La Grande-Bretagne a des problèmes avec l'IRA. Mais l'Armée républicaine irlandaise participe au processus de paix. A tel point que des terroristes pro et anti-britanniques, qui étaient à la prison de Maze, en sont sortis. Cela n'en fait pas des anges. Les gens du RUF ne sont pas des anges non plus. Mais l'on doit en finir avec la crise en Afrique

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de l'Ouest. Alors peut-on appliquer certaines de vos solutions ? Plus personne n'appelle Yasser Arafat un terroriste. Alors, nous, les Africains, que devons nous faire ? Ne jamais oublier ? Ne jamais clore nos crises ?

- Foday Sankoh, le chef de la rébellion sierra-léonaise, a-t-il un autre avenir qu'un procès ?

- C'est aux Sierra-Léonais d'en décider. Je ne suis pas opposé au jugement de Foday Sankoh mais il ne doit pas être le seul à être tenu pour responsable, le seul qui ait violé les accords de paix de Lomé. Et puis l'Afrique n'est pas encore dans le tiers-monde. Vouloir appliquer des critères du premier monde va tout détruire. En Afrique il y a toujours des coups d'Etat. Il n'y en a plus en Occident depuis un demi-siècle. En Afrique il y a des problèmes ethniques, tribaux. Pendons Foday Sankoh ! Et le nord de la Sierra Leone voudra le venger. Nous ne pouvons plus continuer à appliquer des remèdes du premier monde à des problèmes du troisième et quatrième monde !

- Quelle solution voyez-vous au conflit avec la Guinée ?

- Etrangement, l'année dernière, nous avons été victimes d'une première attaque venant de Guinée. Nous avons protesté. Nous avons subi une deuxième attaque. Lors d'une rencontre, le président guinéen, Lansana Conté, a promis qu'il ferait de son mieux pour prévenir ce genre d'attaque. Mais à notre grande surprise, trois mois plus tard, nous avons subi une troisième, très sérieuse et dévastatrice attaque. J'ai dit au président Lansana Conté: « Pouvez-vous faire quelque chose pour montrer que vous faites un effort honnête [pour arrêter ces attaques] ? ». Cela n'a pas été fait. J'ai demandé à le rencontrer en face-à-face. Le président [du Nigeria], Olusegun Obasanjo, a accepté d'accueillir cette réunion.

» Ces incursions de Guinée au Liberia se font dans une zone de forêt. Il est très difficile de déterminer quand et si nous franchissons la frontière avec la Guinée. Si nous devons le faire, il y aurait de grandes justifications si une base, quelque part dans la forêt, a été utilisée contre le Liberia. Nous avons le droit de détruire ces bases. Le Liberia n'est pas en position de mener une guerre. Les Nations unies maintiennent leur embargo sur les armes contre nous. Nous ne voulons pas cette guerre. Mais si on nous y oblige, bien sûr nous devons nous battre. Et nous en trouverons les moyens. Nous avons le droit de nous défendre. Car le Liberia n'est pas l'agresseur ! »

doc: avec une carte: "La Sierra Leone, 10e producteur mondial de diamant".

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*Le Monde***Charles Taylor, former warlord and President of Liberia, "British officials are after Sierra Leone's diamonds"**Comments noted by Jean-Baptiste Naudet and Stephen Smith
15 November 2000

Charles Taylor is back in Paris, the only Western capital where, two years ago, he was given an official welcome. Boycotted by the United States and Great Britain, in the course of this private stay he will be received by neither the president nor the prime minister. But he is counting on France to end his isolation. Accused of trafficking Sierra Leone's "blood diamonds", the ex-warlord head of state counterattacks.

"What do you think of the peace efforts in Sierra Leone? Sometimes it seems you are treated as if you were to restore peace, other times as if you were nothing more than diamond traffickers?"

"It's unfortunate that by trying to demonise President Taylor the war in Sierra Leone is reduced to a conflict which Liberia is trying to get something out of. Does the fact that young British soldiers go off to fight in the forests of Sierra Leone and are doing so to stop the Sierra Leoneans from killing one another make any sense? No, it doesn't hold up. Yes, I think the war in Sierra Leone is a war for diamonds. But not because Liberia wants those diamonds. We already have diamonds. This war is taking place because the British want those diamonds. There are British officials who, via limited public companies located in Vancouver (Canada) own those (diamond) mines (in Sierra Leone). That's what British soldiers are over there for. Not because of us. Accusing us of diamond trafficking is like accusing Saudi Arabia of smuggling petroleum! Liberia has been exporting diamonds for 150 years now. Suddenly the world is at war to make for peace in Sierra Leone. But can't it make for that peace without demonising little Liberia?"

"The United States is very hostile towards you. Why?"

"The US accuses me of being involved in diamond trafficking. The United Nations Security Council set up a board of inquiry. But the US has started accusing Liberia even prior to the slightest finding. That's unfair. We are willing to co-operate fully in any investigation whatsoever of the Security Council. Because we know that these accusations are lies. Liberia has never been involved in any organised diamond trafficking. I am now looking at the results of the US elections. Now the US knows that mistakes can happen! Now they can see what third-world countries can have to go through!"

"What role can France and the European Union play?"

"France has a constructive role, experience with African problems. France is fair with Liberia, even if we are not a French-speaking country. We want to launch a full investigation into the accusations against Liberia. We are accused of trafficking arms and diamonds. We want an investigation because it's the only way to be cleared of those accusations. Europe can help investigate. They may cut off aid. They may not like Charles Taylor. But there are Liberians who are dying, who need aid. The British managed to halt European aid to Liberia.

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But I am a Christian. So God sent floods to Great Britain. Those floods which will cost a billion dollars or two. God punished Great Britain!"

"Do you think the Revolutionary United Front must be part of the peace process in Sierra Leone?"

"Only the belligerents can resolve conflicts. There is no way peace can be made in Sierra Leone while excluding a party from the peace process. As the African saying goes, 'You can't catch anything with one finger, you need two fingers.' The RUF committed terrible atrocities. People will have to answer for that. But the same people who are the cause of the problem have to be part of the solution. Great Britain has problems with the IRA. But the Irish Republican Army participates in the peace process. To the point that the pro and anti UK terrorists who were in Maze prison were let out. That doesn't make them angels. The RUF's people aren't angels either. But it's time to put an end to the crisis in West Africa. So can we apply some of your solutions? Nobody calls Yasser Arafat a terrorist anymore. So what do we Africans have to do? Never forget? Never end our crises?"

"Does Foday Sankoh, the leader of the Sierra Leone rebellion, have any future other than a trial?"

"That is for the Sierra Leoneans to decide. I am not opposed to Foday Sankoh being tried but he must not be the only one held responsible, the only one to have breached the Lomé peace accords. And what's more Africa is not yet in the third world. Wanting to apply first-world criteria will destroy everything. In Africa you always have coups d'Etat. There haven't been any in the West for half a century. In Africa there are ethnic, tribal problems. Let's hang Foday Sankoh! And the north of Sierra Leone will want to avenge him. We cannot go on applying first-world remedies to third or fourth world problems!"

"What solution do you see to the conflict with Guinea?"

"Oddly, last year we were the victims of a first attack coming from Guinea. We protested. There was a second attack on us. In the course of a meeting the President of Guinea Lansana Conté promised to do his utmost to prevent attacks of that kind. But to our great surprise, three months later there was a third, very serious and devastating attack. I said to President Lansana Conté, 'Can you do something to show me you are making an honest effort (to stop these attacks)? That wasn't done. I asked for a face-to-face meeting with him. President (of Nigeria) Olusefun Obasanjo agreed to host such a meeting.

"These incursions from Guinea into Liberia occur in a forest area. It is very hard to ascertain if and when we cross the border with Guinea. Were we to do so there would be plenty of justification if a base in the forest somewhere had been used against Liberia. We have the right to destroy such bases. Liberia is not in a position to go to war. The United Nations maintains its arms embargo on us. We don't want this war. But if we are forced to, of course we will have to fight. And we'll come up with the means. We have the right to defend ourselves. Because Liberia is not the aggressor!"

doc. with a map 'Sierra Leone, world's tenth biggest diamond producer'

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Le Monde

Charles Taylor, l'homme par qui la guerre, la paix et le scandale arrivent.

Par JEAN-BAPTISTE NAUDET ET STEPHEN SMITH.

710 words

15 November 2000

Le Monde

French

(c) Le Monde, 2000.

CHEF DE GUERRE ou chef d'Etat, Charles Taylor fait scandale. Sous le costume du président libérien perce toujours le treillis du « warlord ». En 1989, le soir de Noël, Taylor avait déclenché la première insurrection armée d'Afrique de l'Ouest. Cette rébellion, financée avec des pétrodollars libyens, a tourné au suicide national, mêlant tribalisme et désespoir de la mondialisation. En 1997, ce petit pays de quelque 3 millions d'habitants épuisés par sept années de sanglants désordres et d'exactions commis par ses partisans, a élu Charles Taylor président. Attestant de la régularité du scrutin, l'ancien président américain Jimmy Carter voulait croire à un « miracle » : à la résurrection démocratique du Liberia. Mais le braconnier ne s'est pas fait garde-chasse. Aujourd'hui, Charles Taylor est accusé de porter la guerre en Guinée et de l'entretenir en Sierra Leone, en soutenant le RUF (Front révolutionnaire uni) pour quelques diamants de contrebande.

En trois ans de pouvoir, l'ex-rebelle devenu chef de l'Etat n'a rétabli ni l'électricité ni l'eau courante dans sa capitale. Son régime restreint les libertés publiques, viole les droits de l'homme. Mais, ironiquement, ce sont ses bons offices en Sierra Leone, au bénéfice de la communauté internationale, qui ont mis Taylor sur la sellette. Quand, en mai, un demi-millier de casques bleus de l'ONU sont pris en otage par le Front révolutionnaire uni (RUF), le président du Liberia apparaît comme le vrai patron du mouvement rebelle sierra-léonais puisqu'il obtient la libération des soldats de la paix.

POUVOIR DE NUISANCE

Or, bien avant de s'en prendre aux Nations unies, le RUF (dirigé par un ancien lieutenant de Taylor, Foday Sankoh) a terrorisé la population civile sierra-léonaise. Ses pratiques d'amputation des bras - « manches courtes » ou « manches longues » - ont horrifié le monde. Charles Taylor fournit-il un sanctuaire et des armes au RUF en se faisant payer en diamants exploités dans l'est de la Sierra Leone, l'imitrophe du Liberia ? Les Etats-Unis et la Grande-Bretagne en sont convaincus. Cet été, Washington a imposé des sanctions au Liberia, dont les officiels sont interdits de visa. Cette mesure est d'autant plus vexatoire qu'une bonne partie de la classe dirigeante libérienne, descendant d'anciens esclaves, considère l'Amérique comme sa première patrie. Le père de Charles Taylor est né aux Etats-Unis. Taylor y a vécu pendant dix ans, allant à l'université puis en prison, en 1983, pour le détournement de près de 1 million de dollars au Liberia. Après seize mois derrière les barreaux au Massachusetts, il s'est évadé.

L'Union européenne a également coupé son aide, à la demande de la Grande-Bretagne, qui s'est massivement engagée en Sierra Leone. Pour sauver le président Ahmed Tejan Kabbah et les 13 000 casques bleus déployés pour protéger son régime, Londres a envoyé 600 parachutistes à Freetown, la capitale sierra-léonaise. Depuis, plus de 300 millions de francs d'aide militaire n'ont pas suffi pour réorganiser une armée gouvernementale. Ce week-end, une trêve d'un mois vient d'être conclue avec le RUF, notamment grâce à l'intercession de Charles Taylor. C'est toute l'ambiguïté du paria de la région : il est d'autant plus réprouvé qu'il s'avère utile. Le pouvoir de nuisance de Taylor reste intact.

Depuis deux mois, la Guinée en fait l'expérience. Le long de sa frontière à l'est, les incursions armées se sont multipliées, faisant plus de 600 morts en deux mois. Des « rebelles » viennent de la Sierra Leone et du Liberia. Sans que l'on sache si des opposants guinéens se battent dans leurs rangs, s'il s'agit de partisans du RUF en quête d'une nouvelle terre à butin ou de janissaires de la déstabilisation. Ce procédé se prête, en tout cas, à la réciprocité. Au pouvoir à Monrovia, où il a fait dresser en face de la présidence un panneau géant portant sa devise favorite, « Think big », Charles Taylor se plaint qu'on lui envoie ses opposants. Qu'on retourne contre lui ses propres armes.

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Le Monde

Charles Taylor, the man with war, peace and indignation in his wake

By Jean-Baptiste Naudet and Stephen Smith

15 November 2000

Warlord or head of state, Charles Taylor makes for indignation. Under the suit of the President of Liberia there are still flashes of the fatigue dress of the warlord. On Christmas eve in 1989 Taylor triggered the first armed insurrection in West Africa. That rebellion, which was paid for with Libyan petrodollars, turned into a national suicide combining tribalism and despair in the face of globalisation. In 1997 this small country of some three million inhabitants who were extenuated by seven years of bloody unrest and atrocities committed by his partisans, elected Charles Taylor president. Attesting to the regularity of the voting, former US president Jimmy Carter wanted to believe in a "miracle", in the democratic resurrection of Liberia. But the poacher did not turn into a gamekeeper. At present, Charles Taylor is accused of bringing war to Guinea and keeping war going in Sierra Leone by supporting the RUF (Revolutionary United Front) for a few contraband diamonds.

In three years in power, the ex-rebel head of state has not restored either electricity or running water in his capital. His regime restricts civil liberties and breaches human rights. But, ironically, it's his good offices in Sierra Leone for the benefit of the international community which have got Charles Taylor into the hot seat. When in May half a thousand UN peacekeepers were taken hostage by the RUF, the President of Liberia appeared to be the one really in charge of Sierra Leone's rebel movement, as he obtained the peacekeepers' release.

CAPACITY TO DO HARM

And before taking on the United Nations, the RUF (led by a former lieutenant of Taylor's, Foday Sankoh) had terrorised Sierra Leone's civilian population. Its practices of amputating arms – "short sleeves" or "long sleeves" – horrified the world. Does Charles Taylor provide a sanctuary and arms to the RUF while getting paid in diamonds exploited across the border in eastern Sierra Leone? The United States and Great Britain are convinced he does. This summer Washington imposed sanctions on Liberia, whose officials are under a visa ban. That measure is all the more hurtful as a large part of Liberia's ruling class are descendants of former slaves and considers America its first home. Charles Taylor's father was born in the US. Taylor lived there for 10 years, going to college and then to jail, in 1983, for misappropriating nearly a million dollars to Liberia. After 16 months behind bars in Massachusetts, he escaped.

The European Union has also cut off its aid, at the request of Great Britain which has engaged massively in Sierra Leone. To save President Ahmed Tejan Kabbah and the 13,000 peacekeepers deployed to protect his regime, London sent 600 paratroopers to Freetown, Sierra Leone's capital. Since, more than 300 million francs of military aid haven't sufficed to reorganise a government army. This weekend a one-month truce has just been concluded with the RUF, in particular thanks to the intercession of Charles Taylor. There's the whole ambiguity of the region's pariah: the more helpful he is the more reproof he gets. Taylor's capacity to do harm remains intact.

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For two months now Guinea has felt how true that is. The number of armed incursions along its eastern border has been rising steadily, making for more than 600 dead in two months. The "rebels" come from Sierra Leone and Liberia. Without it being known whether Guinean opponents are fighting within their ranks or whether these are RUF partisans looking for a new place to loot or janissaries of destabilisation. In any event, the process is open to reciprocity. In power in Monrovia, where opposite the presidency building he had a big billboard put up with his favourite motto, "Think big", Charles Taylor begrudges that his opponents are being sent against him. That his own arms are being turned against him.

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ANNEX D

WITNESS STATEMENTS & PROFFERS

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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.

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 Correspondence
 Other

Document Title: **Public, with Confidential Annex D Notification of Amended Prosecution Witness List**

Name of Officer:

Rachel Irura

Signed:



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Court Management Section – Court Records
Errata to Document Certificate

This certificate elicits the error in the following document in the Court Records

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 Indictment
 Correspondence
 Order
 Other

Note that in this Document Number SCSL-03-01-T-357; pagination # 12677 was inadvertently skipped; hence after pagination # 12676 this document continues to pagination #12678

Name of Officer:
Rachel Irura

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