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SCSL-04-16-T
(18756 - 18759)

18756

**SPECIAL COURT FOR
SIERRA LEONE**

Case No. SCSL-2004-16-T

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

Registrar: Lovemore G. Munlo, SC

Date filed: 21 August 2006

THE PROSECUTOR

against

ALEX TAMBA BRIMA

BRIMA BAZZY KAMARA

and

SANTIGIE BORBOR KANU

SPECIAL COURT FOR SIERRA LEONE	
RECEIVED	
COURT MANAGEMENT	
21 AUG 2006	
NAME	Thomas George
SIGN	<i>[Signature]</i>
TIME	16:51

PUBLIC - URGENT

**JOINT DEFENCE APPLICATION FOR PROTECTIVE MEASURES FOR DEFENCE WITNESSES
APPEARING FROM 4 SEPTEMBER 2006 ONWARDS**

Office of the Prosecutor:

Christopher Staker
Karim Agha

Defence Counsel for Kanu:

Geert-Jan A. Knoops, Lead Counsel
Cary J. Knoops, Co-Counsel
A.E. Manly-Spain, Co-Counsel

Defence Counsel for Brima:

Kojo Graham
Glenna Thompson

Defence Counsel for Kamara:

Andrew Daniels
Mohamed Pa-Momo Fofanah

I INTRODUCTION

1. On 9 May 2006, the Trial Chamber issued its “Decision on Joint Defence Application for Protective Measures for Defence Witnesses” (“**Decision**”).¹

II ARGUMENT

2. In its Decision, the Trial Chamber applied protective measures to all witnesses the Defence had indicated in Annex A of the Defence “Public Annexes to Motion Entitled ‘Joint Defence Application for Protective Measures for Defence Witnesses’.”²
3. The Defence hereby respectfully requests the honorable Trial Chamber to apply the protective measures as enlisted in (a) – (i) of the Decision, *mutatis mutandis* to the witnesses enlisted in the Witness Lists filed today, with the exception of the expert witnesses.
4. On page 2 of the Decision, the Trial Chamber held “that there is a reasonable apprehension of risk or danger to witnesses expressed in the supporting material submitted by the Defence and considering the entire security situation in Sierra Leone and that protective measures can be ordered on the basis of a current security situation even where the existence of threats or fears as regards specific witnesses has not been demonstrated.” Furthermore it is said that “the Trial Chamber is concerned for the safety, protection and welfare of witnesses and victims in these proceedings and is obligated under Articles 16(4) and 17(2) of the Statute and Rule 75(A) of the Rules, to take all appropriate protective measures to safeguard their privacy and protection.”³

¹ *Prosecutor v. Brima, Kamara and Kanu*, Decision on Joint Defence Application for Protective Measures for Defence Witnesses, 9 May 2006, Case No. SCSL-2004-16-T-488.

² *Prosecutor v. Brima, Kamara and Kanu*, Public Annexes to Motion Entitled ‘Joint Defence Application for Protective Measures for Defence Witnesses’, 28 April 2006, Case No. SCSL-2004-16-T-479.

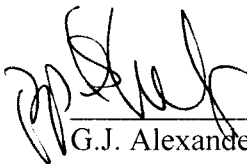
³ Decision, p. 2.

5. The Defence respectfully submits that these circumstances have not changed in the mean time.


III PRAYER

6. The Defence respectfully prays the honorable Trial Chamber that the protective measures granted by the Decision be applied and implemented *mutatis mutandis* to the witnesses enlisted in the Witness Lists filed today, with the exception of the expert witnesses.

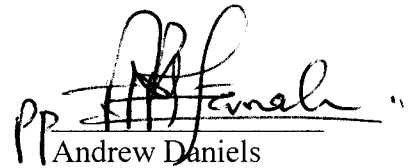
Respectfully submitted,
On 21 August 2006



G.J. Alexander Knoops



Kojo Graham



Andrew Daniels

TABLE OF AUTHORITIES

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

Prosecutor v. Brima, Kamara and Kanu, Public Annexes to Motion Entitled 'Joint Defence Application for Protective Measures for Defence Witnesses', 28 April 2006, Case No. SCSL-2004-16-T-479.