

1107)

SCSL-04-15-T
(25759-25774)

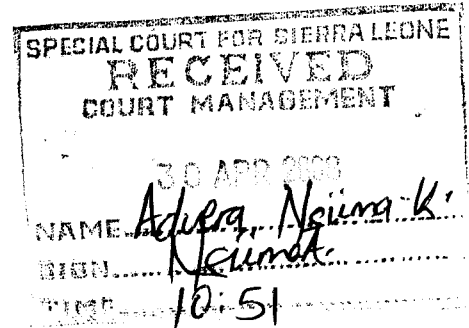
25759

SPECIAL COURT FOR SIERRA LEONE
TRIAL CHAMBER I

Before: Hon. Justice Benjamin Mutanga Itoe, Presiding
Hon. Justice Bankole Thompson
Hon. Justice Pierre Boutet

Registrar: Mr. Herman von Hebel

Date filed: 30 April 2008



THE PROSECUTOR

against

ISSA HASSAN SESAY
MORRIS KALLON
AUGUSTINE GBAO

Case No. SCSL -2004-15-T

PUBLIC

GBAO-REQUEST FOR LEAVE TO CALL FOUR ADDITIONAL WITNESSES AND
FOR ORDER FOR PROTECTIVE MEASURES, WITH ANNEX A

Office of the Prosecutor

Peter Harrison
Reginald Fynn

Defence Counsel for Issa Sesay

Wayne Jordash
Sareta Ashraph

Defence Counsel for Morris
Kallon

Charles Teku
Kennedy Ogetto
Lansana Dumbuya
Tanoo Mylvaganam

Court-Appointed Counsel for
Augustine Gbao

John Cammegh
Scott Martin

1. Pursuant to Rule 73ter(E) of the Rules of Procedure and Evidence (RPE),¹ Defence counsel for Augustine Gbao hereby files an application for leave to add four witnesses to its witness list. A summary of the evidence to be given by the proposed additional witnesses can be found in Annex A of the present filing.

Procedural History

2. On 5 March 2007 the Defence for the Third Accused filed its first witness list,² which contained 66 core witnesses and 13 back-up witnesses.
3. On 28 March 2007 the Trial Chamber ordered each of the Defence teams to file any reviewed and reduced witness list.³ On 16 April 2007 a reduced witness list was filed by the Defence team for Augustine Gbao, which contained 55 core witnesses and 13 back-up witnesses.⁴
4. On 4 July 2007 the Defence team for Augustine Gbao filed a request for leave to call six additional witnesses.⁵ The request was granted by the Trial Chamber on 16 October 2007.⁶ On 26 October 2007 the Gbao Defence filed an updated and reduced witness list, which contained 20 core witnesses and 6 back up witnesses.⁷

¹ Rules of Procedure and Evidence of the Special Court for Sierra Leone as amended at the Tenth Plenary on 19 November 2007. (Hereinafter 'RPE').

² *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-724, Gbao – Filing of Defence Materials, 5 March 2007. This was done following the order of the Trial Chamber of 30 October 2006 (Doc. No. SCSL-2004-15-T-659, Scheduling Order Concerning the Preparation and Commencement of the Defence Case of 30 October 2006, para. 1). The original deadline of 16 February 2007 was then extended to 5 March 2007 (Doc. No. SCSL-2004-15-T-705, Decision and Order on Defence Applications for an Adjournment of 16th February Deadline for Filing of Defence Materials, 7 February 2007).

³ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-746, Consequential Orders Concerning the Preparation and the Commencement of the Defence Case, 28 March 2007.

⁴ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-753, Gbao – Filing of Revised Witness List and Revised Indictment Chart in Accordance with Court Order of 28 March 2007, 16 April 2007.

⁵ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-805, Gbao – Request for Leave to Call Additional Witnesses and for Order for Protective Measures, with Annex A and *Ex Parte* Annex B, 4 July 2007.

⁶ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-841, Decision on Gbao Request for Leave to Call Additional Witnesses and for Order for Protective Measures, 16 October 2007, Dispositions. ('RUF Decision of 16 October 2007').

⁷ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-854, Gbao – Filing of Updated and Reduced Witness List, 26 October 2007.

5. On 3 December 2007 the Defence for the Third Accused requested leave to call two additional witnesses.⁸ On 10 January 2008 the Trial Chamber granted the request⁹ and an updated witness list was filed on 23 January 2008. It contained 21 core witnesses and 6 back up witnesses.¹⁰
6. The Defence for the Third Accused requests the leave of the Trial Chamber to call four additional witnesses. It wishes to call DAG 047 and DAG 063 (who had previously been removed from its witness list), DAG 112 who is an expert witness common to both the Gbao and the Sesay team, and DAG 113, who was up to March 2008 on the witness list for the First Accused.
7. The Defence for Augustine Gbao wishes to assure the Court and the other parties to the proceedings that, even with the addition of those four witnesses, it fully anticipates that it will close its case on or before the 24th of June 2008.

Applicable Law

8. Rule 73^{ter} (E) of the RPE provides the criteria for variation of the defence witness list. It provides that:

After commencement of the Defence case the Defence may, if it considers it to be in the interests of justice, move the trial chamber for leave to reinstate the list of witness or to vary its decision as to which witness will be called.

9. In addition to showing good cause for the late admission of witness, the requesting party also has to demonstrate that the modification of the witness list is in the interests of justice.¹¹

⁸ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-902, Gbao-Request for Leave to Call Two Additional Witnesses and for Order for Protective Measures, With Annex A and *Ex Parte* Annex B, 3 December 2007.

⁹ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-935, Decision on Gbao Request for Leave to Call Two Additional Witnesses and For Order for Protective Measures, 10 January 2008.

¹⁰ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-952, Gbao-Filing of Updated and Reduced Witness List and Indictment Chart, 23 January 2008.

¹¹ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-935, Decision on Gbao Request for Leave to Call Two Additional Witnesses and for Order for Protective Measures, 10 January 2008, para.12. See also

10. Furthermore, the Trial Chamber also held, based on the ICTR Jurisprudence,¹² that the submissions of the party seeking to modify its witness list should be examined in the light of factors such as, *inter alia*:

- i. The materiality of the testimony;
- ii. The complexity of the case;
- iii. The probative value of the proposed testimony in relation to existing witnesses and allegations in the indictment;
- iv. The ability of the opposition to make effective cross-examination of the proposed testimony; and
- v. The justification offered for the admission of witnesses.¹³

11. In other words, the Chamber has to be satisfied that

- i. The circumstances why the leave for additional witness is sought are directly related and material to the fact in issue;
- ii. The facts to be testified upon by the new witnesses are relevant to determine the issue at stake and would contribute to serving the overall interest of law and justice;
- iii. That granting the leave would not prejudice the right of the Accused to a fair and expeditious trial;
- iv. That the evidence could not have been discovered or made available at a point earlier in time notwithstanding the exercise of due diligence.¹⁴

12. The absence of delay in the trial proceedings also contributes to a finding of ‘good cause’.¹⁵

Prosecutor v. Sesay, Kallon and Gbao, Doc. No. SCSL-2004-15-T-940, Decision on Kallon Request for Leave to Vary Witness List and for Protective Measures, 16 January 2008, para.14.

¹² See especially *Prosecutor v. Ferdinand Nahimana, Hassan Ngeze, Jean Bosco Barayagwiza*, Case No. ICTR-99-52-I, Decision on the Prosecutor Oral Motion for Leave to Amend the List of Selected Witnesses, 26 June 2001, para. 20.

¹³ *Ibid.*

¹⁴ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-320, Decision on Prosecution Request for Leave to Call Additional Witnesses and Disclose Additional Witness Statements, 11 February 2005, paragraph 35.

¹⁵ *Prosecutor v. Ferdinand Nahimana, Hassan Ngeze, Jean Bosco Barayagwiza*, Case No. ICTR-99-52-I, Decision on the Prosecutor’s Application to Add Witness X to its List of Witnesses and for Protective Measures, 14 September 2001, para.19.

SUBMISSIONS

Good Cause

13. DAG 047 and DAG 063 had previously been on the witness list for the Third Accused. For strategic reasons, and in order to reduce the witness list, it was decided that those witnesses would be removed. Subsequent to the presentation of the Defence case for the First Accused, the beginning of the Defence case for the Second Accused, following a re-assessment of the overall situation and of the other witnesses to testify for the Third Accused – who were also re-interviewed in February 2008 – these witnesses were re-interviewed¹⁶ and it was decided that they should testify on behalf of the Third Accused. The Gbao Defence are acting in good faith when deciding whether or not to call these two witnesses, and in no way intend to prejudice either the Prosecution or the Trial Chamber by reinstating these witnesses. Defence counsel wishes to emphasise that the Trial Chamber has previously accepted that the Defence team for the Third Accused has made the decision not to add a witness on its witness list at an earlier stage as being in good faith, and therefore accepted that it constituted good cause.¹⁷

14. DAG 112 is a military expert witness common to the Sesay and the Gbao team. The court is well aware of the funding issue relating to expert witnesses, and their adversarial impact on the research for expert witness.¹⁸ This issue was not solved until January of this year, where it was decided that the Sesay and the Gbao team would be sharing a military expert, thereby sharing the costs. On 10 January 2008,¹⁹ the Sesay team and the Gbao team announced their decision to share a military expert witness. The expert came to Freetown in February 2008, in order to conduct research for the compilation of his report. A first draft of his report was sent to the Sesay and Gbao teams on 11 April 2008 and is currently being reviewed by the two defence teams. The Defence for the Third Accused was waiting to see the first draft of the report before taking the decision as to whether or not to call the expert witness.

¹⁶ DAG 047 was re-interviewed on 11 February 2008 and DAG 063 on 23 February 2008.

¹⁷ RUF Decision of 16 October 2007, para.22.

¹⁸ See RUF Transcripts of 26 September 2007, p. 16.

¹⁹ RUF transcripts of 10 January 2008, p.23, 33-34.

15. DAG 113 was previously on the witness list of Issa Sesay, the First Accused.²⁰ The Gbao Defence team learnt that he had been dropped on 28 February 2008. As a result, the investigator spoke with him early March 2008. Following an interview by Defence counsel for the Third Accused on 8 March 2008, it was decided that he should testify on behalf of the Third Accused.

Interests of Justice

Materiality of the Testimony

16. The expected evidence of DAG 047 relates to 15 paragraphs and to all the counts of the Indictment. He will be able to provide first hand and credible evidence (he was an ex-CDF soldier) on the treatment of civilians by the RUF in Makeni and more especially about the role of Augustine Gbao in regard to civilians. The witness will also provide unique evidence relating to events following the UNAMSIL abduction, one of the most important charges faced by Augustine Gbao. He will complement the expected evidence of DAG 003, DAG 080 and DAG 111, while talking from another perspective and time frame.
17. The evidence to be provided by DAG 063 relates to 11 paragraphs and to four counts of the Indictment. He was a chief investigator for the Internal Defence Unit ('IDU'), of which Augustine Gbao was the overall commander. DAG 063 will be able to provide first hand evidence concerning the functioning of the IDU and the area(s) of responsibility of Augustine Gbao. More specifically, the witness will likely provide evidence on the reporting structure within the IDU. The witness will corroborate the evidence of DAG 048 and DAG 101 on the matter, while providing perspective. He will also provide evidence that Augustine Gbao was not important within the RUF hierarchy, but that he rather was not respected by RUF combatants and some members of the leadership. This would complement and corroborate the evidence to be provided by DAG 110, among others.

²⁰ DAG 113 was Sesay defence witness DIS 292.

18. As an expert witness, DAG 112 will provide unique evidence on the differences between conventional warfare and guerrilla warfare. He will provide in-depth specialist evidence regarding the RUF as a military organisation. In particular he will also discuss the RUF structure and functioning, as well as the RUF chain of command within the context of its functioning as a military organization.

19. DAG 113 will be able to provide evidence on 3 paragraphs and 5 counts of the Indictment. He is a first hand witness to the killing of the 65 alleged Kamajors in Kailahun.

Complexity of the Case

20. The indictment against the RUF Accused²¹ contains multiple allegations, 18 counts in more than 8 districts throughout Sierra Leone, and charged under three modes of responsibility. It cannot be said otherwise but that the case against Augustine Gbao is a complex one, requiring a careful assessment of the witnesses to be called to defend against the allegations that Augustine Gbao is facing. All the proposed additional witnesses' expected evidence will materially advance the proceedings, and will assist the Trial Chamber in making its final decision.

Prejudice to the Other Parties

21. The Defence for the Third Accused only has 8 core witnesses on its witness list so far, whose expected time of examination of chief amounting to 20h (5 days of trial). If the proposed additional witnesses are added to the witness list, there will be a total of 12 core witnesses for the Third Accused, amounting to 31 hours of examination in chief, or 7 days of trial.²² Compared to the amount of Prosecution and Defence witnesses, the Defence for the Third Accused is calling a limited number of witnesses. In this regards, it is submitted that even with the four proposed additional witnesses, the defence case of the Third Accused would not

²¹ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-PT-619, Corrected Amended Consolidated Indictment, 2 August 2006. ('RUF Indictment').

²² The defence for the Third Accused expects to take 2 hours for the examination in chief of DAG 047 and DAG 063, 3 hours for DAG 113 and 4 hours for the expert witness DAG 112.

prejudice the Accused's right to an expeditious trial, nor would it further delay the proceedings.

22. The Defence case for the Third Accused is scheduled to start on the 2nd of June 2008.²³ As of now, the Prosecution has more than 6 weeks to prepare for its cross-examination of the witnesses testifying on behalf of the Third Accused. Taking into account the small number of witnesses as well as the restricted ambit of their expected testimony, it is submitted that the Prosecution and the other Defence counsels will not be prejudiced by the addition of the four proposed witnesses and would have more than enough time to prepare for cross examination.

PROTECTIVE MEASURES

23. The Defence counsel also requests the pre-existing protective measures previously granted to witnesses that are testifying for Augustine Gbao, as listed in paragraph 43 of the Trial Chamber's Decision of 1 March 2007,²⁴ be extended to the proposed additional witnesses.

24. It was recognised that the situation in Sierra Leone warrants the grant of protective measures for witnesses residing in Sierra Leone.²⁵ DAG 043, DAG 067 and DAG 113 fall within the category of witnesses to whom the Trial Chamber has granted 'blanket protective measures' and should therefore be granted such protective measures.²⁶

25. No protective measures are requested for DAG 112, the expert witness.

²³ RUF Transcripts of 12 March 2008, p.45.

²⁴ *Prosecutor v. Sesay, Kallon and Gbao*, Doc. No. SCSL-2004-15-T-716, Decision on Gbao Defence Motion for Immediate Protective Measures and Confidential Motion for Delayed Disclosure and Related Measures for Witnesses, trial chamber I, 1 March 2007, para. 43.

²⁵ *Ibid*, para. 32. See also RUF Decision of 16 October 2007, para. 21.


²⁶ *Ibid*.

CONCLUSION

26. The Defence for the Third accused submits that it has acted in good faith as to the proposed additional witnesses, and that it should be allowed to call these four additional witnesses in the interests of justice. The proposed additional witnesses will provide material and relevant testimony, in relation to multiple counts in the indictment. Three proposed witnesses will testify on several counts of the indictment, and directly relating to the Accused, without repeating evidence to be provided by other Defence witnesses. The expert witness will provide unique military expertise on the RUF movement. None of the parties to the proceedings will be prejudiced by the late addition of the proposed witnesses, in view of the small number of witnesses to be called by the Third Accused and the lapse of time available before the Third Accused starts presenting his defence.

27. Defence counsel therefore requests the leave of the Trial Chamber to call these four additional witnesses and for protective measures to be granted to three of them, namely DAG 047, DAG 063 and DAG 113.

Done at Freetown on 30 April 2008.



pf John Cammegh

pf Scott Martin

Defence Counsel for Augustine Gbao

List of Authorities

I. Special Court for Sierra Leone

A. Basic Documents

Rules of Procedure and Evidence of the Special Court for Sierra Leone as amended at the Tenth Plenary on 19 November 2007.

B. RUF Case (*Prosecutor against Issa Hassan Sesay, Morris Kallon, Augustine Gbao, Case No. SCSL-2004-15-T*)

Doc. No. SCSL-2004-15-T-320, Decision on Prosecution Request for Leave to Call Additional Witnesses and Disclose Additional Witness Statements, 11 February 2005. Paragraphs 4, 25 and 35.

Doc. No. SCSL-2004-15-PT-619, Corrected Amended Consolidated Indictment, 2 August 2006.

Doc. No. SCSL-2004-15-T-659, Scheduling Order Concerning the Preparation and Commencement of the Defence Case of 30 October 2006. Paragraph 1.

Doc. No. SCSL-2004-15-T-705, Decision and Order on Defence Applications for an Adjournment of 16th February Deadline for Filing of Defence Materials, 7 February 2007.

Doc. No. SCSL-2004-15-T-716, Decision on Gbao Defence Motion for Immediate Protective Measures and Confidential Motion for Delayed Disclosure and Related Measures for Witnesses, trial chamber I, 1 March 2007. Paragraphs 32 and 43.

Doc. No. SCSL-2004-15-T-724, Gbao-Filing of Defence Materials, 5 March 2007.

Doc. No. SCSL-2004-15-T-746, Consequential Orders Concerning the Preparation and the Commencement of the Defence Case, 28 March 2007.

Doc. No. SCSL-2004-15-T-753, Gbao – Filing of Revised Witness List and Revised Indictment Chart in Accordance with Court Order of 28 March 2007, 16 April 2007.

Doc. No. SCSL-2004-15-T-805, Gbao - Request for Leave to Call Additional Witnesses and for Order for Protective Measures, with Annex A and *Ex Parte* Annex B, 4 July 2007.

RUF Transcripts of 26 September 2007. Page 16.

Doc. No. SCSL-2004-15-T-841, Decision on Gbao Request for Leave to Call Additional Witnesses and for Order for Protective Measures, 16 October 2007, Dispositions. Paragraphs 17, 21 and 22.

Doc. No. SCSL-2004-15-T-854, Gbao-Filing of Updated and Reduced Witness List, 26 October 2007.

RUF Transcripts of 27 November 2007. Pages 4, 16, 22 and 26-27.

Doc. No. SCSL-2004-15-T-902, Gbao-Request for Leave to Call Two Additional Witnesses and for Order for Protective Measures, With Annex A and Ex Parte Annex B, 3 December 2007.

Doc. No. SCSL-2004-15-T-935, Decision on Gbao Request for Leave to Call Two Additional Witnesses and For Order for Protective Measures, 10 January 2008. Paragraph 12.

RUF transcripts of 10 January 2008. Pages 23, 33-34.

Doc. No. SCSL-2004-15-T-940, Decision on Kallon Request for Leave to Vary Witness List and for Protective Measures, 16 January 2008. Paragraph 14.

Doc. No. SCSL-2004-15-T-952, Gbao-Filing of Updated and Reduced Witness List and Indictment Chart, 23 January 2008.

RUF Transcripts of 12 March 2008. Page 45.

II. International Criminal Tribunal for Rwanda

Prosecutor v. Ferdinand Nahimana, Hassan Ngeze, Jean Bosco Barayagwiza, Case No. ICTR-99-52-I, Decision on the Prosecutor Oral Motion for Leave to Amend the List of Selected Witnesses, Trial Chamber I, 26 June 2001. Paragraph 20.

Prosecutor v. Ferdinand Nahimana, Hassan Ngeze, Jean Bosco Barayagwiza, Case No. ICTR-99-52-I, Decision on the Prosecutor's Application to Add Witness X to its List of Witnesses and for Protective Measures, Trial Chamber I, 14 September 2001. Paragraph 19.

25770

PUBLIC

ANNEX A

Summary of Expected Testimony of the Proposed Additional Witnesses

DAG 047

Makeni Crime Base

The witness was a CDF soldier in Makeni when the RUF soldiers captured Makeni in the early stages of the war. The witness heard that the CDF soldiers who voluntarily surrender to the RUF would be safe. When he met Augustine Gbao, he told him that the RUF came to liberate Sierra Leone, and that if anyone was caught harassing civilians there would be severe punishment. He understood that Augustine Gbao was the overall commander for the area at that time. Augustine Gbao was very effective when in control of Makeni. Augustine Gbao warned that any soldiers caught hurting civilians would be severely dealt with.

The witness did not observe any civilian death during that period. One time a rebel took a gun from the witness. The witness went to the MP but his complaint was not followed up. When the matter finally reached Augustine Gbao, he investigated the matter and punished the perpetrator. Another time a woman had her cassava stolen by the rebels. Augustine Gbao punished the offenders, while also telling them that they should work together with the civilians and not mistreat them.

The witness did not see any amputation taking place in Makeni. There was no forced marriage as such, but some women would go with RUF rebels in order to get food for their families, as only commanders or rebels could cater for food.

The witness never saw anybody being forced to help the RUF.

The witness never saw Augustine Gbao with child combatants. The witness will testify that Augustine Gbao was a simple man, close to the civilians. The witness never saw him with a weapon nor did he see him giving orders to anyone.

Few days after the UNAMSIL abduction, the witness was in the Agricultural Compound. He overheard Augustine Gbao discussing with his colleagues, telling them it was not necessary to arrest the peacekeepers. He told them that they should have worked with the government to see the outcome of the Lomé Peace Accord instead of attacking the UN.

The night of the fight between the UN and the RUF, the witness saw some UN soldiers escaping around the stadium in Makeni.

Relevant Paragraphs/ Counts in the Indictment

Paragraphs 17, 29-34, 37, 38-39, 41-43; Counts 1-2; counts 3-5 para. 51, counts 6-9 para. 57, counts 10-11 para. 65, count 12, count 13 para.73, count 14 para. 81, counts 15-18.

Kailahun Crime Base

The witness was working as a chief investigator for the IDU in Kailahun. He will describe his role within the IDU, as well as its structure and reporting system.

He will testify that Augustine Gbao was only responsible for the IDU and not for any other unit. He never gave orders to the overall MPs, G5 or IO commanders, who were sending their reports directly to the Leader. He will testify that even within the IDU Augustine Gbao was not responsible for all the areas. They had their own IDU commanders.

The IDU was responsible for investigations and recommendations after a crime was committed. Augustine Gbao did not have control over the G5, the MP or the IO. He could only give order to his men, but always implemented orders from the authorities. Any report of attacks on civilians was seriously dealt with by Augustine Gbao.

The witness will testify that the IDU was not liked by the combatants. The witness was attacked by a soldier he was investigating. At the time he was IDU commander Augustine Gbao himself was insulted by Mosquito in Giema in front of other soldiers, including the witness. Within the RUF hierarchy Augustine Gbao was very insignificant; he was just implementing orders.

He will describe the structure and functioning of the Joint Security Board of Investigation ('JSBI'). He will specifically testify that each unit had its own commander. Investigations would be made by each unit, and people would be called to testify before the JSBI panel.

Augustine Gbao became the overall IDU commander in 1996. He was in Kailahun town until 1999. He then went to Makeni.

The RUF had laws like the 8 codes of conduct, the 11 general principles of leadership... Augustine Gbao never used forced labour; He did not have child soldiers.

Relevant Paragraphs/ Counts in the Indictment

Paragraphs 17, 29-33, 34, 37, 38 and 39, 43. Counts 1-2, count 12 and count 13 para. 74.

DAG 112 (Johan Hederstedt)

The witness is a military expert. The witness will provide his description of the RUF as a military organization between 1996 and 2000.

His evidence will focus on the similarities and differences between conventional warfare and guerilla warfare, from a military point of view. He will discuss the chain of command, the transmission of orders, the reporting structure and the importance/role of non military factors (i.e. Individual personalities, personal loyalties...) in guerilla warfare.

The witness will give evidence on the significance of the ranks/functions within the RUF, especially the leadership position, the Battlefield Commander position, the Battleground Commander position and the area Commanders, as well as the IDU Commander and Overall Security Commander.

The witness is going to provide evidence with the relevant command structures concerning Issa Sesay. He will also provide similar evidence regarding Augustine Gbao. He will provide insights as to the de facto control of Issa Sesay, Augustine Gbao and other senior commanders on de jure subordinate members of the RUF during 1996 to 2000.

The witness will also provide a military perspective of what were the most important objective factors, ascertainable facts or historical practices which might have impacted upon the RUF organizational structure and ability to conduct operations at various stages between 1996 and 2000.

Relevant Paragraphs/ Counts in the Indictment

Paragraphs 29-33, 38 and 39.

Kailahun Crime Base

The witness entered the RUF in 1991. He was trained as an Military Police ('MP'). Therefore, the witness will be able to provide evidence regarding the functioning of the MP in Kailahun, and describe his duties within the unit.

The witness also worked for the IDU around 1999/2000 in Kambia District.

The witness was in Freetown around June/July 1997 until 2 weeks before ECOMOG drove the AFRC/RUF out of Freetown. He will testify that he never saw Augustine Gbao there.

The witness will provide evidence on the 65 alleged Kamajors who were killed in Kailahun. The witness was part of the Joint Security Board of Investigation who was created to investigate the arrest of the alleged Kamajors, together with Augustine Gbao. He will explain that while they had not finished the investigations, Mosquito decided to kill the alleged Kamajors. Nobody was aware of his plan. He gave the order to John D. Aruna to bring 10 of the alleged Kamajors to the roundabout and executed them. The MPs killed the remaining ones, following the orders of Mosquito. The witness will testify that Hawa Mendegla was not at the roundabout at the time of the shooting; she was in her house.

The witness will testify of Augustine Gbao's involvement in the killing

Relevant Paragraphs/ Counts in the Indictment

Paragraphs 29, 38 and 39. Counts 1-2, count 3-5, para.49.