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SCSL-04-15-T
(24409 - 24426)

SPECIAL COURT FOR SIERRA LEONE
FREETOWN - SIERRA LEONE

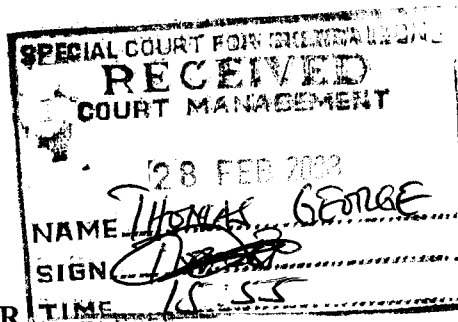
24409

TRIAL CHAMBER I

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

Registrar: Mr. Herman von Hebel

Date filed: 28th February 2008



THE PROSECUTOR

v.

**Issa Hassan Sesay
Morris Kallon
Augustine Gbao**

Case No. SCSL-04-15-T

PUBLIC

**SESAY DEFENCE APPLICATION FOR THE ISSUANCE OF A SUBPOENA TO
H.E. ALHAJI DR. AHMAD TEJAN KABBAH,
FORMER PRESIDENT OF THE REPUBLIC OF SIERRA LEONE**

Office of the Prosecutor
Mr. Peter Harrison
Mr. Reginald Fynn
Mr. Charles Hardaway
Mr. Vincent Wagona

Defence Counsel for Issa Hassan Sesay
Mr. Wayne Jordash
Ms. Sareta Ashraph

Defence Counsel for Morris Kallon
Mr. Charles Taku
Mr. Kennedy Ogetto
Mr. Lansana Dumbuya

Defence Counsel for Augustine Gbao
Mr. John Cammegh
Mr. Scott Martin

INTRODUCTION

1. The Sesay Defence (the “Defence”) applies, under Rule 54 of the Rules of Procedure and Evidence, for the issuance of a subpoena to H.E. Alhaji Dr. Ahmad Tejan Kabbah to compel him to appear as a witness in the RUF trial and to meet with the Defence in advance of his proposed testimony.
2. Rule 54 states that “at the request of either party or of its own motion, a Judge or a Trial Chamber may issue such orders, summonses, subpoenas, warrants and transfer orders as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial”. This provision is nearly identical to those found in the Rules of the ICTY and ICTR.¹
3. The Defence submits that the evidence Dr. Kabbah could give would materially and substantially assist in proving Mr. Sesay’s innocence in regard to Counts 15-18 of the consolidated indictment. This evidence is unique and could not be obtained from any other person.
4. As set out below, the Defence submits that it has made repeated attempts to contact Dr. Kabbah since 2004 and while, in meetings held in 2007, Dr. Kabbah indicated a willingness to be interviewed through his then Chief of Protocol, Mr. Daramy, no such meeting has materialised. Dr. Kabbah has not responded to any correspondence from the Defence since his leaving office in August 2007.

Preliminary Issue:

Can an ex-Head of State be the subject of a subpoena issued by the Trial Chamber?

5. Section 48(4) of the Constitution of the Republic of Sierra Leone reads

While any person holds or performs the functions of the office of President, no civil or criminal proceedings shall be instituted or continued against him in respect of anything done or omitted to be done by him either in his official or private capacity.
6. As it was found that the Norman and Fofana Defence had not met the relevant legal standard for the issuance of a subpoena, the Trial Chamber in the Norman and Fofana Subpoena Decision made no finding as to whether then-President Kabbah could be the subject of a subpoena. In Justice Itoe’s Separate Concurring Opinion, Justice Itoe held that no subpoena

¹ See fn 75 of *Prosecutor v. Norman et al.*, SCSL-04-14-617, “Decision on Motions by Moinana Fofana and Sam Hinga Norman for the Issuance of a Subpoena *ad Testificandum* to H.E. Alhaji Dr. Ahmad Tejan Kabbah, President of the Republic of Sierra Leone”, 13th June 2006 (“Norman and Fofana Subpoena Decision”).

could be issued or served on then-President Kabbah “because of the immunity he enjoys under Section 48(4) of the Constitution”.² The principal concern raised was that then-President Kabbah could not be subject to any criminal sanction necessary consequent on a failure to comply with a subpoena by virtue of the immunity afforded to him by his office. Justice Thompson in his Dissenting Opinion held that then-President Kabbah enjoyed no such immunity and could properly be a subject of a subpoena.³

7. The Defence notes that the issue of whether then-President Kabbah was immune from being the subject of a subpoena was not a ground of appeal and so the Majority in the Norman and Fofana Appeal Subpoena Decision did not address their minds to the issue. Justice Robertson’s strong disagreement with Justice Itoe’s position however should be noted.⁴
8. In any event, for the purposes of this application, it must be noted that the plain reading of Section 48(4) of the Constitution dictates that any immunity from suit – qualified or otherwise – does not contemplate its continuance following the completion of the term(s) of office.⁵
9. In other words, if the Trial Chamber issued a subpoena to compel the attendance of Dr. Kabbah and he refuses to comply, his failure to comply is an action taken as a private individual for which he enjoys no immunity from criminal sanction.

² *Prosecutor v. Norman et al.*, SCSL-04-14-617, “Separate Concurring Opinion of Hon. Justice Benjamin Mutanga Itoe on the Chamber Majority Decision on Motions by Moinana Fofana and Sam Hinga Norman for the Issuance of a Subpoena *ad Testificandum* to H.E. Alhaji Dr. Ahmad Tejan Kabbah, President of the Republic of Sierra Leone,” 13th June 2006.

³ *Prosecutor v. Norman et al.*, SCSL-04-14-617, “Dissenting Opinion of Hon. Justice Bankole Thompson on Decision on Motions by Moinana Fofana and Sam Hinga Norman for the Issuance of a Subpoena *ad Testificandum* to H.E. Alhaji Dr. Ahmad Tejan Kabbah, President of the Republic of Sierra Leone”, 13th June 2006, paras. 14-21.

⁴ *Prosecutor v. Norman et al.*, SCSL-04-14-688, “Dissenting Opinion of Hon. Justice Robertson on Decision on Interlocutory Appeals Against Trial Chamber Decision Refusing to Subpoena the President of Sierra Leone”, 11th September 2006, paras. 37-49.

⁵ In this regard the distinction between official acts done by a Head of State while s/he was in office (*ratione materiae* immunities) and acts done as a private individual (*ratione personae* immunities) is not relevant since the issue does not concern acts done within the currency of the immunity but acts, namely any failure to respond to the subpoena, after the currency of the office. (See *Jones and Mitchell v. Saudi Interior Ministry and Others*, UK Court of Appeal Judgment, 28 October 2004, at <http://www.redress.org/news/jones%20v%20-saudi%20arabia.pdf>, where it was held that acts of torture can never be assimilated to official state acts and do not therefore attract the civil immunity of the state or the individual perpetrators; Pinochet No. 3 – House of Lords held that immunity does not extend to such universally condemned international crimes as torture committed (or presided over) during the time the person was the head of state; note also the Resolution on Immunities from Jurisdiction and Execution of Heads of State and of Governments in International Law, 2001 adopted by the Institutet de Droit International at their session in Vancouver: Article 13(2) provides that former Heads of State (or Government), although enjoying immunity in respects of acts performed in the exercise of their official functions and related to the exercise thereof, may be prosecuted and tried “when the acts alleged constitute a crime under international law”).

10. The Defence therefore submits that Dr. Kabbah can be properly made the subject of a subpoena issued by the Trial Chamber.

Legal Standard

11. In the Norman and Fofana Subpoena Decision, the Trial Chamber in a Majority Decision, held that the legal standard for the issuance of a subpoena is as follows:

The applicant ... must ... show that the measure requested is necessary (the “necessity” requirement) and that it is for the purposes of an investigation or for the preparation or conduct of the trial (the “purpose” requirement).⁶

12. This standard, drawn from the ICTY Appeals Chamber Decisions in *Halilovic*⁷ and *Krstic*⁸ was upheld by a Majority Decision of the Appeals Chamber.⁹

The “necessity” requirement

13. In the Norman and Fofana Subpoena Decision, the Trial Chamber stated “the Chamber must also consider, in addition to the usefulness of the information for the applicant, the overall necessity of the information in ensuring the trial is informed and fair. We consider it would be inappropriate to issue a subpoena if the information sought to be obtained is obtainable through other means.”¹⁰

14. The Appeals Chamber Subpoena Decision, the majority of the Appeals Chamber held that the phrase in Rule 54 “necessary for the purposes of ... preparation and conduct of trial” requires the applicant to show that it is necessary to issue a subpoena or other order so as to being relevant evidence before the Court. That is satisfied if the applicant shows that the subpoena is likely to elicit evidence material to an issue in the case which cannot be obtained without judicial intervention. The key question is whether the effect that the subpoena will have is necessary to try the case fairly.¹¹

The “purpose” requirement

15. In the Norman and Fofana Subpoena Decision, the Trial Chamber, by majority, held that the

⁶ Norman and Fofana Subpoena Decision. The Defence notes that the legal standard appears to be framed slightly differently in para. 32 of the same Decision, para. 28.

⁷ *Prosecutor v. Halilovic*, “Decision on the Issuance of Subpoenas”, 21st June 2004, paras. 6-7, 10 (“*Halilovic Appeals Decision*”).

⁸ *Prosecutor v. Krstic*, “Decision on the Application for Subpoenas”, 1st July 2003, paras. 10-11 (“*Krstic Appeals Decision*”).

⁹ *Prosecutor v. Norman et al.*, SCSL-2004-14-688, “Appeals Chamber Decision on Interlocutory Appeals Against Trial Chamber Decision Refusing to Subpoena the President of Sierra Leone”, 11th September 2006, para. 10 (the “*Appeals Chamber Subpoena Decision*”).

¹⁰ Norman and Fofana Subpoena Decision, para. 30.

¹¹ Appeals Chamber Subpoena Decision, para. 9.

“purpose” requirement

imposes on the applicant the obligation to show that the subpoena serves a legitimate forensic purpose for an investigation or the preparation or conduct of the trial against the accused. The applicant must therefore demonstrate a reasonable basis for the belief that the information to be provided by a prospective witness is likely to be of material assistance to the applicant’s case, or that there is at least a good chance that it would be of material assistance to the applicant’s case, in relation to clearly identified issues relevant to the forthcoming trial.¹²

16. In the Milosevic Appeals Chamber’s Decision of 9th December 2005, the Appeals Chamber stated that for “material assistance”, “it is not enough that the information requested may be ‘helpful or convenient’ for one of the parties: it must be of substantial or considerable assistance to the Accused in relation to a clearly identified issue that is relevant to trial.”¹³
17. The Norman and Fofana Subpoena Decision held that whether information may be judged to be of material assistance to the applicant’s case “will depend largely on the position held by the prospective witness in relation to the events in question, any relationship he may have or have had with the accused which is relevant to the charges, the opportunity which he may reasonably be thought to have had to observe those events or to learn of those events or statements made by him to the applicant or to others in relation to those events.”¹⁴ Where an applicant has been unable to interview the proposed subject of the subpoena – as the Sesay Defence has not – the test “will have to be applied in a reasonably liberal way”, accepting that the Defence will not be allowed to embark on a ‘fishing expedition’.¹⁵
18. The approach of the Majority in both the Trial and Appeals Chamber finds precedent in the Halilovic Appeals Decision¹⁶ and in the Milosevic Decision.¹⁷

¹² Norman and Fofana Subpoena Decision, para. 29. See also Halilovic Appeals Decision, para. 6; and Krstic Appeals Decision, para. 10.

¹³ *Prosecutor v. Milosevic*, “Decision on Assigned Counsel Application for Interview and Testimony of Tony Blair and Gerhard Schroder”, 9th December 2005, (“Milosevic Decision”). In this decision, the “purpose” requirement is referred to as the “legal forensic purpose” requirement.

¹⁴ Norman and Fofana Subpoena Decision, para 29. This is also supported by the Milosevic Decision, para. 40, the Krstic Appeals Decision, para. 11, and the Halilovic Appeals Decision, para. 6.

¹⁵ Norman and Fofana Subpoena Decision, para. 29.

¹⁶ *Halilovic Appeals Decision*, para. 7.

¹⁷ *Milosevic Decision*, para. 41. In the Milosevic Decision, the “necessity” requirement is referred to as the “last resort” requirement.

SUBMISSIONS

Necessity and Purpose

19. The consolidated indictment *inter alia* alleges that:

FODAY SAYBANA SANKOH has been incarcerated in the Republic of Sierra Leone from about May 2000 until about 29 July 2003. From about May 2000 until about 10 March 2003, *by order of* FODAY SAYBANA SANKOH, ISSA HASSAN SESAY directed all RUF activities in the Republic of Sierra Leone.¹⁸

About June 2001, MORRIS KALLON became RUF Battlefield Commander, subordinate only to the leader of the RUF, FODAY SAYBANA SANKOH, ISSA HASSAN SESAY, to whom FODAY SAYBANA SANKOH *had given direct control* over all RUF operations, and to the leader of the AFRC, JOHNNY PAUL KOROMA.¹⁹

Between about April 2000 and about 15 September 2000, AFRC/RUF engaged in widespread attacks against UNAMSIL peacekeepers and humanitarian assistance workers within the Republic of Sierra Leone, including, but not limited to locations within Bombali, Kailahun, Kambia, Port Loko, and Kono Districts. These attacks included unlawful killing of UNAMSIL peacekeepers, and abducting hundreds of peacekeepers and humanitarian assistance workers who were then held hostage.²⁰

20. Whilst the precise nature of the factual allegations and modes of liability underpinning the Prosecution case against Mr. Sesay – as alleged in Counts 15-18 of the indictment – remain *at large* it appears from the aforementioned paragraphs that the broad “UNAMSIL” allegation consists of the following, that (i) Foday Sankoh ordered the aforementioned widespread attacks between April 2000 and 15 September 2000 which led to the abduction, killing and other mistreatment of the UNAMSIL peacekeepers; and (ii) that following his incarceration in May 2000 Foday Sankoh ordered Mr. Sesay to take control of the RUF and thereafter maintain and direct the continuance of the widespread attacks during the relevant time period.

The Defence Case

21. The Defence submits that (i) Mr. Sesay did not plan, instigate, order, commit, or otherwise abet in the planning, preparation, or execution of any of the alleged crimes against the UNAMSIL troops; and (ii) Mr. Sesay did not fail to prevent or punish any subordinate for any of the aforementioned crimes.

¹⁸ *Prosecutor v. Sesay et al.*, SCSL-04-15-T-619, “Corrected Amended Consolidated Indictment”, para. 23; emphasis added. (“Consolidated Indictment”).

¹⁹ *Id.*, para. 28; emphasis added.

²⁰ *Id.*, para. 83; emphasis added.

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22. It is the Defence case that the May 2000 incident and any associated later incidents were the result of a combination of factors: namely the assumption of a combative role by the UNAMSIL troops, disproportionate and irregular responses by various ground commanders within the Northern Region of Sierra Leone, confused and antagonistic response(s) by Foday Sankoh, and various other consequential but unforeseen and unforeseeable events.
23. Mr. Sesay played no role in the attacks. Mr. Sesay was located within the Koidu axis when news of the attacks reached him. Mr. Sesay travelled to Makeni to ascertain the security situation and to assist with bringing the incident to a close. Thereafter Mr. Sesay's role in the incidents was limited to actions in reasonable self-defence or those which were intended to – and did – protect the UNAMSIL troops, by removing them to Kono wherein their safety was assured.
24. Mr. Sesay was not acting on the orders of either Foday Sankoh or any other superior authority when he took charge of the UNAMSIL troops within the Makeni axis nor when he removed them to the safety of Kono. At the time when Mr. Sesay made the decision to remove the troops to Kono he was acting unilaterally and *against* the orders of Foday Sankoh so as to ensure their security. In this regard Mr. Sesay intentionally misled Foday Sankoh concerning the whereabouts of the detainees so as to subvert any putative order to the contrary.²¹
25. On the 8th May 2000 all communication between Mr. Sesay and Foday Sankoh had ceased. At no time between the detention of the UNAMSIL troops and the 8th May 2000 did Foday Sankoh instruct Mr. Sesay to take over all RUF operations. Foday Sankoh was imprisoned on the 8th May 2000 – and held incommunicado – without any means of being able to contact Mr. Sesay until approximately January 2002.²²
26. Neither Mr. Sesay nor Foday Sankoh had any warning concerning this unexpected incarceration and were unable to communicate about its consequences or what role Mr. Sesay should play subsequently (concerning the RUF or the detained UNAMSIL troops). It is the Defence case that the then-President Kabbah instructed that Foday Sankoh be imprisoned and

²¹ Mr. Sesay's evidence, transcript 29th May 2007, page 82, lines 24-26.

²² Mr. Sesay's evidence, transcript 29th May 2007, page 95, lines 2-29.

instructed that he be held without access to the RUF leadership so as to disable the RUF and create the conditions for the release of the detained troops.

27. Dr. Kabbah thus knows there was a deliberate governmental/United Nations policy to ensure that Foday Sankoh could not give *any* orders to any RUF commander nor to Johnny Paul Koroma concerning what should happen to the UNAMSIL troops or the RUF activities in the Republic of Sierra Leone as alleged by the Prosecution in the indictment.²³ Dr. Kabbah knows that the actions Mr. Sesay took in relation to the UNAMSIL troops could not have been on the orders of Foday Sankoh. Moreover, as alleged by Mr. Sesay during the course of his testimony – and as Dr. Kabbah must be aware – Johnny Paul Koroma had joined forces with the then-President Kabbah and was engaged in combat operations against the RUF in Lunsar and its environs.²⁴
28. The Defence case is thus that Mr. Sesay was left with no recourse to orders or control over the activities of many of the RUF within many of the districts within the Republic of Sierra Leone. As Dr. Kabbah must know – as a senior member of ECOWAS - this left a significant power vacuum in the RUF which was exploited. ECOWAS leaders (including Dr. Kabbah) instructed Charles Taylor to approach Mr. Sesay who was looking for assistance in releasing the UNAMSIL troops. As Dr. Kabbah knows, Mr. Sesay could not have been taking orders, benign or otherwise, from Foday Sankoh at this time or during the remainder of the indictment period. Hence Mr. Sesay could not have been receiving orders to continue any widespread attacks between April 2000 and 15th September 2000, as alleged.²⁵
29. Furthermore as Dr. Kabbah knows, the leadership of ECOWAS (including the then-President Kabbah) was responsible for Mr. Sesay taking over the leadership of the RUF as alleged at paragraph 23 of the consolidated indictment.²⁶ This had nothing to do with Foday Sankoh who was still being held incommunicado on the instructions of then-President Kabbah.
30. On or around January and April 2002 Mr. Sesay requested the then-President Kabbah to allow him to speak to Foday Sankoh for the first times since his incarceration. President Kabbah agreed and a meeting was arranged at Choithram hospital and later Pademba Road

²³ Consolidated Indictment, para. 23.

²⁴ Mr. Sesay's evidence, transcript 29th May 2007, page 83, lines 27-29.

²⁵ Consolidated Indictment, para. 83.

²⁶ Mr. Sesay's evidence, transcript 29th May 2007, page 83.

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Prison where Foday Sankoh was being held. Dr. Kabbah is aware Foday Sankoh refused to speak to Mr. Sesay alleging that by refusing to tie the fate of the UNAMSIL troops and the process of disarmament to his release Mr. Sesay had betrayed him and the RUF.²⁷

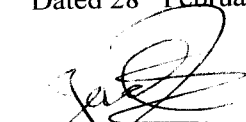
Showing of due diligence in attempting to secure the witness and the evidence

31. Annex A sets out the full schedule of attempts to contact Dr. Kabbah from early 2004 to the present time. Also listed are the Defence's meetings with then President Kabbah's Chief-of-Protocol, Mr. Daramy, on 26th March and 11th July 2007. In both meetings, Mr. Daramy indicated that then-President Kabbah was happy to meet with members of the Defence and meeting dates were arranged but were cancelled on both occasions.
32. Since leaving office, Dr. Kabbah has not responded to any of the letters hand-delivered to his private residence nor were any calls to his former Chief-of-Protocol returned. His unwillingness to cooperate must be presumed from his failure to respond to the repeated attempts at communication made by the Defence.

REQUEST

33. The Defence thus requests an order to subpoena Dr. Kabbah to attend a pre-testimony interview with the Defence and to testify on Mr. Sesay's behalf concerning the issues aforementioned. Dr. Kabbah is uniquely placed to testify about these issues which are integral to Mr. Sesay's defence and which will show that he was not ordered to attack or coordinate attacks against UNAMSIL but acted alone to protect and secure the detained UNAMSIL troops. Notwithstanding that Dr. Kabbah has full knowledge of Mr. Sesay's innocence in this regard, he has refused to cooperate and ought in the interests of justice be compelled.

Dated 28th February 2008


Wayne Jordash
Sareta Ashraph

²⁷ Mr. Sesay's evidence, transcript 29th May 2007, pages 86 and 96.

TABLE OF AUTHORITIES

Indictments

Prosecutor v. Sesay et al., SCSL-04-15-T-619, “Corrected Amended Consolidated Indictment”.

Decisions

Prosecutor v. Halilovic, “Decision on the Issuance of Subpoenas”, 21st June 2004.

Prosecutor v. Krstic, “Decision on the Application for Subpoenas”, 1st July 2003.

Prosecutor v. Milosevic, “Decision on Assigned Counsel Application for Interview and Testimony of Tony Blair and Gerhard Schroder”, 9th December 2005

Prosecutor v. Norman et al., SCSL-04-14-617, “Decision on Motions by Moinana Fofana and Sam Hinga Norman for the Issuance of a Subpoena *ad Testificandum* to H.E. Alhaji Dr. Ahmad Tejan Kabbah, President of the Republic of Sierra Leone”, 13th June 2006.

Prosecutor v. Norman et al., SCSL-04-14-617, “Separate Concurring Opinion of Hon. Justice Benjamin Mutanga Itoe on the Chamber Majority Decision on Motions by Moinana Fofana and Sam Hinga Norman for the Issuance of a Subpoena *ad Testificandum* to H.E. Alhaji Dr. Ahmad Tejan Kabbah, President of the Republic of Sierra Leone,” 13th June 2006.

Prosecutor v. Norman et al., SCSL-04-14-617, “Dissenting Opinion of Hon. Justice Bankole Thompson on Decision on Motions by Moinana Fofana and Sam Hinga Norman for the Issuance of a Subpoena *ad Testificandum* to H.E. Alhaji Dr. Ahmad Tejan Kabbah, President of the Republic of Sierra Leone”, 13th June 2006.

Prosecutor v. Norman et al., SCSL-2004-14-688, “Appeals Chamber Decision on Interlocutory Appeals Against Trial Chamber Decision Refusing to Subpoena the President of Sierra Leone”, 11th September 2006.

Prosecutor v. Norman et al., SCSL-04-14-688, “Dissenting Opinion of Hon. Justice Robertson on Decision on Interlocutory Appeals Against Trial Chamber Decision Refusing to Subpoena the President of Sierra Leone”, 11th September 2006.

Transcripts

Prosecutor v. Sesay et al., 29th May 2007.

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Contact and attempted contact with President Kabbah

Date	Time	Mode of contact	Result
10th October 2004	10 am	Letter taken and handed in to the reception at The Lodge, Hill Station	No response
17 th December 2004	11:15 am	Letter taken to the Sierra Leonean High Commission, Oxford Circus	No response
4 th February 2005	9:30 am	Letter taken and handed in to the reception at The Lodge, Hill Station	No response
22 nd April 2005	Unsure	Letter taken and handed in to the reception at The Lodge, Hill Station	No response
25 th July 2005	10:20 am	Letter taken and handed in to the reception at The Lodge, Hill Station	No response
4 th November 2005	3pm	Letter taken to the Sierra Leonean High Commission, Oxford Circus	No response
5 th February 2006	11am	Letter taken and handed in to the reception at The Lodge, Hill Station	No response
10 th April 2006	2pm	Phone call to Presidential Lodge	No answer
10 th October 2006	11am	Phone call to Presidential Lodge	Security answers – will accept letter at 1 st checkpoint
17 th November 2007	9:45am	Letter taken and handed in to the reception at The Lodge, Hill Station	No response
15 th December 2006	12:09 pm	Letter taken and handed in to Mr, Soulay Daramy, Chief Protocol Officer for President Kabbah at The Lodge, Hill Station. Receipt obtained.	No response
9 th January 2007	4pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph.	Says will return call to set up appointment
27 th January 2007	Not timed	Letter taken and handed in to Alake Mahdi for President Kabbah at The Lodge, Hill Station. Receipt	No response

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		obtained.	
13 th February 2007	11am	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Telephone switched off
26 th February 2007	10am	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Arrange meeting for 9 th March 2007
6 th March 2007	3pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	President Kabbah not able to meet on 9 th March 2007; rearrange for 26 th March 2007
26 th March 2007	10:00am	Meeting between Mr. Daramy and Ms. Ashraph. Mr. Daramy indicated that President Kabbah was willing to meet with us but busy due to end of Parliamentary session.	Parties to stay in telephone contact to arrange meeting in April 2007
14 th June 2007	1:30pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph.	Mr. Daramy will check the President's schedule – SA to call back
19 th June 2007	3pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Telephone switched off
	5pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Discuss meeting in July – Ms. Ashraph to call to check dates
28 th June 2007	2pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph.	Informed of end of trial session. Suggested meeting in early July. Mr. Daramy to confirm.
4 th July 2007	10am	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Mr. Daramy suggests meeting on 11 th July 2007

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10 th July	10am	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	No answer
	3pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Mr. Daramy confirms meeting for 11 th July 2007
11 th July 2007	9 am	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Meeting confirmed
	10:00am	Meeting between Mr. Daramy, Mr. Jordash and Ms. Ashraph. Mr. Daramy indicated that President Kabbah was willing to meet with us on 13 th July 2007. Ms. Ashraph to call on 12 th July 2007 to confirm.	
11 th July 2007	11 am	Letter taken and handed in to Mr, Soulay Daramy, Chief Protocol Officer for President Kabbah at The Lodge, Hill Station. Letter handed over following meeting between Mr. Daramy, Mr. Jordash and Ms. Ashraph.	No response
12 th July 2007	10 am	Call to Mr. Daramy by Ms. Ashraph – no answer.	
	4pm	Call to Mr. Daramy by Ms. Ashraph – Mr. Daramy says President is busy but will be in contact when Mr. Jordash and Ms. Ashraph return in September 2007.	
18 th September 2007	2 pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	No answer
27 th September 2007	2pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Unknown person answers and says Mr. Daramy will call back – refuses to give name
28 th September 2007	4pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Unknown person answers and says Mr. Daramy will call

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			back – refuses to give name
14 th October 2007	4:15pm	Phone call to Mr. Sou ay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Unknown person answers and says Mr. Daramy will call back – refuses to give name
16 th October 2007	12pm	Phone call to Mr. Sou ay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	No answer
9 th November 2007	2pm	Call – line disconnected	
	3pm	Call – line disconnected	
16 th November 2007	10am	Call – line disconnected	
14 th January 2008	10:30 am	New phone number obtained from another witness. Line disconnected	

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Annex A – Contact and attempted contact with President Kabbah

Date	Time	Mode of contact	Result
10th October 2004	10 am	Letter taken and handed in to the reception at The Lodge, Hill Station	No response
17 th December 2004	11:15 am	Letter taken to the Sierra Leonean High Commission, Oxford Circus	No response
4 th February 2005	9:30 am	Letter taken and handed in to the reception at The Lodge, Hill Station	No response
22 nd April 2005	Unsure	Letter taken and handed in to the reception at The Lodge, Hill Station	No response
25 th July 2005	10:20 am	Letter taken and handed in to the reception at The Lodge, Hill Station	No response
4 th November 2005	3pm	Letter taken to the Sierra Leonean High Commission, Oxford Circus	No response
5 th February 2006	11am	Letter taken and handed in to the reception at The Lodge, Hill Station	No response
10 th April 2006	2pm	Phone call to Presidential Lodge	No answer
10 th October 2006	11am	Phone call to Presidential Lodge	Security answers – will accept letter at 1 st checkpoint
17 th November 2007	9:45am	Letter taken and handed in to the reception at The Lodge, Hill Station	No response
15 th December 2006	12:09 pm	Letter taken and handed in to Mr, Soulay Daramy, Chief Protocol Officer for President Kabbah at The Lodge, Hill Station. Receipt obtained.	No response
9 th January 2007	4pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph.	Says will return call to set up appointment
27 th January 2007	Not timed	Letter taken and handed in to Alake Mahdi for President Kabbah at The Lodge, Hill Station. Receipt	No response

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		obtained.	
13 th February 2007	11am	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Telephone switched off
26 th February 2007	10am	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Arrange meeting for 9 th March 2007
6 th March 2007	3pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	President Kabbah not able to meet on 9 th March 2007; rearrange for 26 th March 2007
26 th March 2007	10:00am	Meeting between Mr. Daramy and Ms. Ashraph. Mr. Daramy indicated that President Kabbah was willing to meet with us but busy due to end of Parliamentary session.	Parties to stay in telephone contact to arrange meeting in April 2007
14 th June 2007	1:30pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph.	Mr. Daramy will check the President's schedule – SA to call back
19 th June 2007	3pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Telephone switched off
	5pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Discuss meeting in July – Ms. Ashraph to call to check dates
28 th June 2007	2pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph.	Informed of end of trial session. Suggested meeting in early July. Mr. Daramy to confirm.
4 th July 2007	10am	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Mr. Daramy suggests meeting on 11 th July 2007

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10 th July	10am	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	No answer
	3pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Mr. Daramy confirms meeting for 11 th July 2007
11 th July 2007	9 am	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Meeting confirmed
	10:00am	Meeting between Mr. Daramy, Mr. Jordash and Ms. Ashraph. Mr. Daramy indicated that President Kabbah was willing to meet with us on 13 th July 2007. Ms. Ashraph to call on 12 th July 2007 to confirm.	
11 th July 2007	11 am	Letter taken and handed in to Mr, Soulay Daramy, Chief Protocol Officer for President Kabbah at The Lodge, Hill Station. Letter handed over following meeting between Mr. Daramy, Mr. Jordash and Ms. Ashraph.	No response
12 th July 2007	10 am	Call to Mr. Daramy by Ms. Ashraph – no answer.	
	4pm	Call to Mr. Daramy by Ms. Ashraph – Mr. Daramy says President is busy but will be in contact when Mr. Jordash and Ms. Ashraph return in September 2007.	
18 th September 2007	2 pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	No answer
27 th September 2007	2pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Unknown person answers and says Mr. Daramy will call back – refuses to give name
28 th September 2007	4pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Unknown person answers and says Mr. Daramy will call

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			back – refuses to give name
14 th October 2007	4:15pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	Unknown person answers and says Mr. Daramy will call back – refuses to give name
16 th October 2007	12pm	Phone call to Mr. Soulay Daramy, Chief Protocol Officer for President Kabbah from Ms. Ashraph	No answer
9 th November 2007	2pm	Call – line disconnected	
	3pm	Call – line disconnected	
16 th November 2007	10am	Call – line disconnected	
14 th January 2008	10:30 am	New phone number obtained from another witness. Line disconnected	