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SCSL - 2003 - 06 - PT - 038

(633 - 752)

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**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN - SIERRA LEONE**

Before: Judge Bankole Thompson,  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003

**THE PROSECUTOR**

**Against**

**ALEX TAMBA BRIMA also known as (aka) TAMBA ALEX BRIMA  
Aka GULLIT**

CASE NO. SCSL-2003-06-PT

AND In the matter for leave to issue the Writ of Habeas Corpus ad Subjiciendum and the Order granting the said Writ of Habeas Corpus ad Subjiciendum.

BETWEEN:

Tamba Alex Brima

- APPLICANT

And

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
Applicant (accused) is presently kept in custody

- RESPONDENTS

**DEFENCE MOTION FOR LEAVE TO ISSUE A WRIT OF HABEAS CORPUS, ad Subjiciendum as well as for the Order of the Writ of Habeas Corpus ad Subjiciendum releasing the Applicant herein from his present unlawful detention pursuant to Rule 54 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone and under the Habeas Corpus Acts of 1640 and 1816**

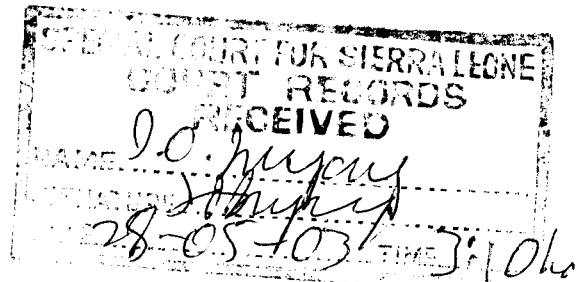
Office of the Prosecutor:

Defence Counsel:

The Prosecutor,  
Luc Côté, Chief of Prosecutions  
Brenda J. Hollis, Senior Trial Counsel  
The Director of Prisons of the Republic of Sierra Leone  
The Officer in Charge - Special Court Detention Facility  
Centre in Bonthe.

Terence Michael Terry

The Hon Attorney General  
and Minister of Justice of  
the Republic of Sierra Leone.



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**SPECIAL COURT FOR SIERRA LEONE  
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1. **INTRODUCTION:**

In the light of Rule 54 of the Special Court Rules of Procedure and Evidence (Rules), as well as the Habeas Corpus Acts of 1640 and 1816 having regard particularly to Sections 17 and 170(i) of the 1991 Constitution of Sierra Leone and Section 74 of the Courts Act of Sierra Leone 1965, the Defence hereby moves the Trial Chamber for leave to issue a Writ of Habeas Corpus ad Subjiciendum and for an order for the issue of the Writ of Habeas Corpus ad Subjiciendum against the Respondents for the release of the Applicant herein Tamba Alex Brima from his present unlawful detention.

The Defence further submits that for the purposes of this Motion:-

- (a) The “Defence” means and includes the Accused, the Defence Counsel and their respective Legal Assistants and Staff, and others specifically assigned by the Special Court for Sierra Leone to the Accused’s trial defence team in conformity with Rule 44 of the rules of Procedure and Evidence of the Special Court for Sierra Leone.
- (b) The “Prosecution” means and includes the Prosecutor of the Special Court for Sierra Leone (the Court) and staff members.
- (c) The Director of Prisons of the Republic of Sierra Leone means and includes all those persons, officers, agents and employees assigned with the task of guarding and protecting all Prison Centers and their inmates in the Republic of Sierra Leone.

- (d) The officer-in-charge of the Special Court Detention Facility Centre in Bonthe means and includes all those persons, officers, agents and employees assigned with the task of guarding and protecting the Detention Facility Centre and all its inmates.

**ARGUMENT**

(a) Statute, Articles & Rules:-

Statutes

- (i) The Constitution of the Republic of Sierra Leone Act No. 6 of 1991 - Sections 17 and 170(1) & 170(2) respectively.
- (ii) The Habeas Corpus Acts of 1640 & 1816.
- (iii) The Courts Act of the Republic of Sierra Leone Act No. 32 of 1965 - Section 74
- (iv) The Special Court Agreement, 2002 (Ratification) Act No. 9 of 2002.

(b) Articles

- (i) The International Covenant on Civil and Political Rights 1966

(c) Rules

- (i) Rule 54 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone.

**FACTUAL BASIS FOR THE MOTION:-**

The factual basis for this motion arose from the approval of the indictment against the accused (the applicant herein) on the 7<sup>th</sup> of March 2003 by Judge Bankole Thompson as was framed and presented on an ex parte application made by the Prosecution and to which the accused the applicant herein has already pleaded not guilty. As a result of the said Order of Judge Bankole Thompson of 7<sup>th</sup> March 2003 the accused the applicant herein was subsequently detained at the Special Court Detention Facility in Bonthe. Thereafter the Defence discovered that the indictment ex facie as approved by Judge Bankole Thompson on the 7<sup>th</sup> of March 2003 incorrectly, erroneously and in bad faith disclosed that the applicant herein joined the Sierra Leone (SLA) in 1985 and rose to the rank of Staff Sergeant. The Defence submits that on those facts alone and without more the indictment as approved by Judge Bankole Thompson was and continues to be fundamentally flawed, invalid and tantamount to a miscarriage of justice.

As related in the attachments herein, namely the affidavits of both the Applicant herein Tamba Alex Brima sworn to on the 23<sup>rd</sup> day of May 2003 at 10:45 o'clock in the forenoon and Ayo Max-Dixon sworn to on the 23<sup>rd</sup> day of May 2003 at 3:30 o'clock in the afternoon respectively referred to as Attachments 1 & 2 the Defence will rely on the facts deposed to in the said 2 affidavits and their related attached exhibits in support of the Orders prayed for in this Motion. The Defence will rely particularly on paragraphs 2 to 22 inclusive of the said affidavit of Tamba Alex Brima and paragraphs 2 to 7 inclusive of the said affidavit of Ayo Max-Dixon and in particular the Exhibits attached to the said affidavit of Ayo Max-Dixon.

**LEGAL BASIS FOR THE MOTION.**

1. The position of the Defence is predicated on two different planks – the first is that Rule 47 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone constitute a ‘procedural bar’ to the extent that the prosecution failed to strictly comply with the conditions precedent envisaged in the said Rule 47 at the time the ex parte application was made for Judge Bankole Thompson’s approval on 7<sup>th</sup> March 2003. The second is that the ex parte application made by the prosecution which resulted in the order of the 7<sup>th</sup> of March, 2003 on the facts of this instant case with respect amounted to ‘prosecution lawlessness’ as it did not on its merits satisfy the litmus test laid down under the said Rule 47 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone. The aforementioned two issues are clearly distinct matters, though the Defence submits that there are common features in both namely:- The fact that the accused who appeared in the indictment at the time of the approval of the indictment of the 7<sup>th</sup> of March, 2003 was not and could not have been the true suspect (accused) as stated on the face of the indictment brought against his person.

Defence further submits that chronologically speaking, it is the ‘procedural bar’ which falls to be considered first – namely: Did the prosecution strictly comply with the conditions precedent as envisaged by the said Rule 47 to have validly warranted the grant of the said order of Judge Bankole Thompson of the 7<sup>th</sup> of March, 2003? If the answer to that question is in the negative as the Defence submits it is, then it follows as a necessary corollary that the order of Judge Bankole Thompson of the 7<sup>th</sup> of March, 2003 was with respect invalid, null and void and ought properly to be set aside OR vacated. The same reason applies mutatis mutandis to the second issue relating to the merit of the application itself namely the failure by the prosecution to go a step further to satisfy the litmus test envisaged under the said Rule 47 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone thereby rendering the order approving the indictment as presented by the prosecution on 7<sup>th</sup> March 2003 invalid and null and void at its inception.

The Defence submits that in addition to (i) above the purported Order of the 7<sup>th</sup> March, 2003 wrongfully described as Warrant of Arrest was bad in Law and ought to be set aside on the following grounds:-

2. That the said purported order of 7<sup>th</sup> March 2003 and/OR Warrant of Arrest on its true reading in substance and in fact did not order the arrest of the accused the Applicant herein Tamba Alex Brima.
3. That even assuming without conceding that the said order of 7<sup>th</sup> March 2003 on its true reading ordered the arrest of the accused the Applicant herein, it was not subsequently served on the Applicant herein Tamba Alex Brima.

4. That Judge Bankole Thompson lacked jurisdiction and/OR acted in excess of jurisdiction when he proceeded to grant his order of the 7<sup>th</sup> March 2003 on the grounds that:
  - (i) It was fundamentally flawed ex facie
  - (ii) It was one made per incuriam.
  - (iii) It did not satisfy and could not have satisfied the litmus test as contemplated under rule 47 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone to have warranted the approval by Judge Bankole Thompson of the indictment against the person of the Applicant herein Tamba Alex Brima.
  - (iv) That the discretion so exercised by Judge Bankole Thompson was clearly contrary to Law having regard to the letter and spirit of the said Rule 47 of the Rules of Procedures and Evidence of the Special Court for Sierra Leone as he took into account a fact which had no nexus OR connection with the accused the applicant herein and he not been the true suspect it rendered his act ultra vires the very provisions of Rule 47 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone.
  - (v) It has the effect of amounting to an abuse of power on the part of the Prosecution at the time of the exparte application which with respect clearly bordered on "prosecution lawlessness" not of Judge Bankole Thompson's own creation in this instant case. Counsel for the Defence further submits that where there is as in this instant case a purported order OR order of 7<sup>th</sup> March 2003 made pursuant to a power - conferring Rule which does not comply with the particular rule in question, the Court has jurisdiction to look into the issue whether or not the purported order OR order is in breach of the particular Rule in question namely Rule 47 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone.
  
5. Counsel for the defence submits that the issues raised at page 3 under the rubric 1,2,3 and 4(i), (ii), (iii) (iv) & (v) of this application which are fundamentally jurisdictional in nature go to the root of these Criminal proceedings and are not mere irregularities which can now be waived, OR cured. Counsel for the Defence also submits that there are no provisions either under the Special Court Agreement 2002 (Ratification) Act No. 9 2002 of Sierra Leone OR the Rules of Procedure and Evidence of the Special Court for Sierra Leone that can now save these criminal proceedings which having started as a nullity cannot help ending that way. Counsel for the Defence further submits that the question of what defects go to jurisdiction "is not primarily one of logic at all. The matter depends on the language of the governing legislation aided by such presumptions of statutory interpretation as the Court choose to adopt.

In the light of the foregoing submissions, it follows therefore that if the Court lacked jurisdiction to hear and determine the action from its inception, which is the position taken by the defence, the indictment and all other consequential orders that followed were a nullity – that is to say they all combine to amount to nothing. From nothing, nothing can come.

Counsel for the Defence submits that the Trial Chamber of the Special Court has jurisdiction inherent OR otherwise to set aside its own order without the necessity of an appeal where such an order as in this instant case can properly be described as a nullity.

- 6. Counsel for the Defence further submits that it is a gross violation and most violent infraction of the Accused's (Applicants) Human Right fundamental to him in the circumstances and special facts of this instant case which culminated in his Detention for offences allegedly committed by another person. On this point Counsel will rely on Section 17 of the Constitution of Sierra Leone Act No. 6 of 1991 on the ground that the accused (the applicant herein) has up to date been deprived of his personal liberty without any lawful authority. Furthermore Counsel will rely on Article 9(4) of the International Covenant on Civil and Political Rights 1966 which states thus: "Anyone who is deprived of his liberty by arrest or detention – shall be entitled to take proceedings before a Court in order that Court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful".

Counsel for the Defence also submits that the denial of Fundamental Rights of the Accused (Applicant) herein already referred to as provided in the Constitution of Sierra Leone namely Section 17 of the Constitution of Sierra Leone Act No. 6 of 1991 is indeed an irregularity which has caused a serious miscarriage of justice to the Accused the Applicant herein.

Counsel for the Defence submits that as a matter of law the provisions of fundamental rights in the Constitution of Sierra Leone override any other provisions to the contrary in any other law, the Constitution being the Supreme law of the Republic of Sierra Leone. Furthermore Counsel for the Defence submits that the fundamental rights of the Accused (Applicant) cannot be waived OR compounded. This is the spirit of the 1991 Constitution of Sierra Leone, and it is pertinent to note that the Supreme Court of the United States of America is of the same view in respect of their own constitution. See *Hodges v. Easton* 106 US 408 at 412, *Johnson v. Zerbst* 304 U.S. 398 at 416; *Aetna Insurance Co. v. Kennedy* 301 US, 389 at 393; and *Chio Bell Telephone Co. v. Public utilities Commission of Ohio* 310 U.S. 292, at 307.

**ORDERS SOUGHT:-**

In the light of the aforementioned serious matters complained against by the accused the Applicant herein, the Defence requests the Designated Judge OR the Trial Chamber to issue the following four Orders:

- (1) That leave be granted to the Applicant herein for the issue of a Writ of Habeas Corpus ad subjiciendum as well as the Order for a Writ of Habeas Corpus ad Subjiciendum directed to the Respondents herein - the Director of Prisons and the officer in charge of the Special Court Detention Facility in Bonthe or any other place in the Republic of

Sierra Leone to have the body of Tamba Alex Brima the Applicant herein presently detained at the Special Court Detention Facility in Bonthe be brought before this Honourable Court immediately and to show cause why he must not be released.

- (2) An order be granted for a Writ of Habeas Corpus ad Subjiciendum against the Respondents herein.
- (3) An order to be granted for the release forthwith of the Applicant herein Tamba Alex Brima from detention at the Special Court Detention Facility in Bonthe OR any other place in the Republic of Sierra Leone on the ground that the purported Order of Arrest of the 7<sup>th</sup> of March 2003 granted by Judge Bankole Thompson was neither subsequently served on the Applicant herein nor was any Warrant of Arrest if one ever existed duly served on the Applicant herein.
- (4) Further and/OR in the alternative that an order be granted by the Single Judge or the Trial Chamber setting aside and/OR vacating the purported order of Arrest made by Judge Bankole Thompson on the 7<sup>th</sup> March 2003 and the consequential approval of the indictment against the person of Tamba Alex Brima the Applicant herein based on the following four (4) grounds:
  - (i) For lack of jurisdiction and/or in excess of jurisdiction in that the said order of Judge Bankole Thompson dated the 7<sup>th</sup> day of March 2003 which culminated in the detention of the accused herein was fundamentally flawed, invalid and bad in law as it wrongfully resulted in the detention of the accused herein who on the face of the indictment was and is clearly not the accused person who is mentioned therein as having joined the Sierra Leone Army (SLA) in 1985 and rose to the rank of Staff Sergeant.
  - (ii) That the said Indictment so presented by the Prosecutor for approval on the 7<sup>th</sup> March 2003 by Judge Bankole Thompson against the person of the accused Tamba Alex Brima herein which resulted in the detention of the latter at the Bonthe Detention Facility Centre till date was one done in circumstances amounting to bad faith by the Prosecutor, misleading at best, and consequently rendered the said order of Judge Bankole Thompson of the 7<sup>th</sup> March 2003 fundamentally flawed, INVALID, BAD IN LAW and clearly a NULLITY at its inception in that the said indictment EX FACIE wrongfully, incorrectly and in total bad faith referred to the accused herein as having joined the Sierra Leone Army (SLA) in 1985 and rose to the rank of Staff Sergeant.
  - (iii) For Lack of Jurisdiction and/OR in excess of Jurisdiction in that the summary of evidence and all the purported supporting documents relied upon and put before the Judge at the time of the Prosecutor's ex parte application which culminated in him approving the said indictment against the accused purportedly dated the 7<sup>th</sup> March 2003, failed to establish at the very minimum a prima facie case and/OR the relevant criteria envisaged under Rule 47 of the Rules of Procedure and Evidence of the Special Court to have lawfully warranted the approval of the indictment against the person of the accused – the applicant herein.

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(iv) That the application which was essentially Ex parte woefully failed to make full and frank disclosure with regard to the correct date and time the Applicant entered the Sierra Leone Army (SLA) and also failed to make a full and frank disclosure regarding the correct rank the Applicant herein rose to in the Sierra Leone Army (SLA).

4. That the purported Order of Arrest of the 7<sup>th</sup> day of March 2003 of Judge Bankole Thompson be discharged and/OR set aside and that the accused herein be released forthwith from unlawful custody at the Special Court Detention Facility in Bonthe OR any other place in the Republic of Sierra Leone where he is presently detained.

The Defence however reserves its right to apply to the Designated Judge OR Trial Chamber if it considers it necessary to amend any of the above Orders prayed for on behalf of the Applicant herein, and if need be to invoke the supervisory jurisdiction before the Supreme Court of Sierra Leone pursuant to Section 125 of the 1991 Constitution of the Republic of Sierra Leone Act No. 6 of 1991.

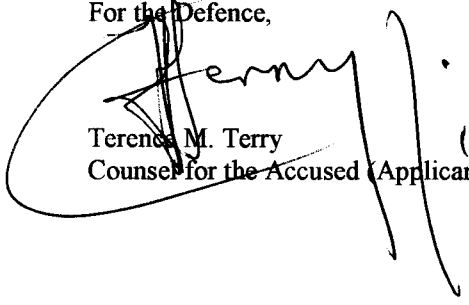
5. **PRAYER:**

In view of the foregoing, the Defence prays that:

1. The Designated Judge of the Trial Chamber do graciously grant the orders sought in this Motion as set out above.
2. That leave be granted to the Applicant herein Tamba Alex Brima to issue a Writ of Habeas Corpus ad subjiciendum directed to the Respondents herein to have the body of Tamba Alex Brima the Applicant herein presently detained at the Special Court Detention Facility in Bonthe in the Southern Province of the Republic of Sierra Leone OR any other place in the Republic of Sierra Leone since the 10<sup>th</sup> day of March 2003 against his will and to be brought before this Honourable Court immediately (AND TO SHOW CAUSE) why he must not be released and to grant a further order for a Writ of Habeas Corpus ad Subjiciendum on the grounds sought in the above-mentioned orders sought.
3. That an order for the Writ of Habeas Corpus ad Subjiciendum against the Respondents herein be hereby granted forthwith.
4. An order releasing the applicant herein Tamba Alex Brima from unlawful custody at the Special Court Detention Facility Centre in Bonthe forthwith OR any other place where he is presently held in detention in the Republic of Sierra Leone.

Freetown ..... 23<sup>rd</sup> day ..... of May, 2003.

For the Defence,



Terence M. Terry  
Counsel for the Accused (Applicant)



**DEFENCE INDEX OF ATTACHMENTS**

1. Affidavit of Tamba Alex Brima in support of Defence Motion sworn to at the Special Court Detention Facility in Bonthe on the 23<sup>rd</sup> day of May 2003 at 10:45 o'clock in the forenoon and its attached exhibits.
2. Affidavit of Ayo Max-Dixon in support of Defence Motion sworn to at the Law Courts Building Freetown on the 23<sup>rd</sup> day of May 2003 at 3:30 o'clock in the afternoon and its attached exhibits.
3. Draft Order for Leave to issue the Writ of Habeas Corpus ad Subjiciendum.
4. Draft Order for Habeas Corpus ad Subjiciendum.
5. Basic Documents on Human Rights – The International Covenant on Civil and Political Rights 1966

**INDEX OF ATTACHMENTS**

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**INDEX OF ATTACHMENTS -1**

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**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN – SIERRA LEONE**

Before: Judge Bankole Thompson,  
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Date Filed: 2003

**THE PROSECUTOR  
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Applicant (accused) is presently kept in custody - RESPONDENTS

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**AFFIDAVIT IN SUPPORT**

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I, TAMBA ALEX BRIMA presently detained at the Special Court Detention Facility in Bonthe in the Southern Province of the Republic of Sierra Leone of no occupation make oath and say as follows:-

1. That I am the Applicant herein a citizen of Sierra Leone and I am presently detained at the Special Court Detention Facility in Bonthe in the Southern Province of the Republic of Sierra Leone.
2. That on the 18<sup>th</sup> January 2003 I was arrested by police personnel at Johnny Paul Koroma's residence at Juba Hill Freetown and I was made to understand from the Police Officers that my arrest was for an alleged subversive meeting held at the said residence in connection with an alleged shooting incident at the Aureol Tobacco Company compound. Soon after my arrest statement was obtained from me by the arresting officers whose names I cannot now remember in connection with an alleged plot to over throw the Government of Sierra Leone. That soon after my arrest I was taken to the SSD now OSD Headquarters in Freetown where I was manhandled by SSD  
..../2..

Personnel. There I sustained cuts in my mouth and my dentures were broken while been manhandled by one Mr. Raymond England (a white man) attached to the OSD Headquarters in Freetown and a SSD Sergeant John who threatened me with sporadic gun shots. I was also put under gun point by one IMATT Colonel Petrie.

3. That on the 21<sup>st</sup> day of January 2003 I was taken to the C.I.D. headquarters to the office of Karrow Kamara a C.I.D. personnel where he instructed his junior personnel to reopen my statement and obtain further statement from me. Thereafter the junior personnel started asking me questions in connection with certain members of the defunct AFRC Government. I objected to this line of questioning and stopped responding to questions as soon as they insisted on questioning me on that issue.
4. That soon after I refused answering questions asked by the investigator, I was tortured by Karrow Kamara by him dropping burnt cigarettes on my skin and piercing my skin with a razor blade in Order to force me to answer to questions posed to me by his junior personnel.
5. That I know for a fact that answers to most of the questions put to me by the police personnel were recorded by the said personnel in the manner favourable to them but contrary to the exact answers given by me.
6. That after investigating the alleged shooting incident referred to in paragraph (2) of this my affidavit 17 people with whom I was arrested were charged to the Magistrate Court for treason and some were released. I was alone at the Pademba Road Prison until the 7<sup>th</sup> day of March 2003 when I was taken to the C.I.D. headquarters to be released. I was subsequently taken straight to one Mr. Mansaray's office the 3<sup>rd</sup> in Command at the C.I.D. headquarters Freetown. On arrival I was told by Mr. Mansaray that I have no case to answer but I should find a surety to bail me. I thereafter sent for my relatives to come and enter a recognisance on my behalf. That whilst awaiting for the arrival of my relatives, Mr. Mansaray instructed one junior C.I.D. personnel to let me sign a document in the form of a bail bond bearing the name Tamba Alex Brima Alias Gullit. I objected to the signing of this document on the ground that it is not common for a suspect to bail himself and secondly that my name is not Alias Gullit. Subsequently I was told by Mr. Mansaray to go down stairs as I have been released and that I have no case to answer on the alleged charge for the offense of treason.
7. That I asked for my exhibits which I left in his possession before I was taken to Pademba Road Prisons. He refused to give them to me but threatened to take me to Pademba Road Prisons if I insist on asking for my exhibits. Thereafter I went down-stairs. Soon after that when I climbed down the stairs from Mr. Mansaray;s office, but within the same C.I.D. building at the C.I.D headquarters

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Freetown, I was re-arrested at the counter by one C.I.D. personnel - this time around in connection with the death of certain people at Karina in the Bombali District.

8. That I was subsequently taken to the S.S.D. Camp at Hastings where I was again manhandled by S.S.D. personnel.
9. That I did not join the Sierra Leone Army (SLA) in 1985 nor did I rise to the position of Staff Sergeant as erroneously and misleadingly stated in the indictment against my person referred to in paragraph 16 of this my affidavit.
10. That I am advised by my Solicitor and Counsel Terence Michael Terry and I verily believe that the circumstances which resulted in the Prosecutor presenting the said indictment against my person referred to by me in paragraph 16 of this my affidavit clearly amounted to bad faith having regard to the facts already deposed to by me in the immediate preceding paragraph 9 of this my affidavit.
11. That it was after all these tribulations that I was taken to the Special Court Detention Facility in Bonthe by several police personnel without them serving on me the Order of Arrest dated the 7<sup>th</sup> day of March 2003 granted by Judge Bankole Thompson and/OR without serving on me any Warrant of Arrest whatsoever. That on arrival at the Special Court Detention Facility in Bonthe I was kept in my cell on that day for 24 hours without food or drink and excuse me I even had cause to drink my urine and my cell was only reopened after making heavy noise and threatened to commit suicide.
12. That I was then detained by the Officer in Charge and other Police Officers, their servants and agents at the Special Court Detention Facility in Bonthe in the Southern Province of the Republic of Sierra Leone.
13. That up until the time that I was suddenly taken by the Police Officers and Security Personnel and detained at the Special Court Detention Facility in Bonthe and thereafter I was never served with the Order of Arrest dated the 7<sup>th</sup> day of March 2003 of Judge Bankole Thompson granting my arrest nor was I ever served with any Warrant of Arrest pursuant to the said Order of Judge Bankole Thompson OR by any other competent authority to have warranted my detention at the Special Court Detention Facility in Bonthe, and that position in so far as I am concerned remains the same till date.
14. That the first time I ever set eyes on the aforesaid Order of Arrest of the 7<sup>th</sup> day of March 2003 granted by Judge Bankole Thompson was when Junior Counsel in the Chambers of my Solicitor and Counsel Osman Keh Kamara visited me at the Special Court Detention Facility in Bonthe on the 11<sup>th</sup> day of April 2003 and showed me same.

15. That I am informed by my Solicitor and Counsel Terence Michael Terry and I verily believe that the said order of Judge Bankole Thompson for my arrest was irregular, with respect misconceived and was one made in excess of jurisdiction.
16. That I herewith exhibit Certified True Copies of:
  - (i) The Indictment against my person.
  - (ii) The order of the Judge Bankole Thompson ordering the arrest of my person dated the 7<sup>th</sup> March 2003.
  - (iii) The entire proceedings held before Judge Benjamin Mutanga Itoe dated the Saturday 15<sup>th</sup> March 2003 and Monday 17<sup>th</sup> March 2003 respectively.

Referred to as Exhibits "TAB 1", "TAB 2" "TAB 3" & "TAB 4" respectively.
17. That I am advised by my Solicitor and Counsel Terence Michael Terry and I verily believe that the said order of the 7<sup>th</sup> March 2003 granted by Judge Bankole Thompson for my arrest was one with respect based on gross irregularity and/OR illegality as to render that said order of the 7<sup>th</sup> day of March 2003 a nullity, and that since it was palpably wrong it ought with respect to result in either case for this Trial Chamber to proceed to set aside the said order of the Judge Bankole Thompson of the 7<sup>th</sup> day of March 2003.
18. That I am further advised by my Solicitor and Counsel Terence Michael Terry and I verily believe that my said continued detention at the Special Court Detention Facility in Bonthe in the Southern Province of the Republic of Sierra Leone by the 1<sup>st</sup> Respondent and/OR the 2<sup>nd</sup> Respondent, his servants, agents is unlawful, oppressive and contrary to my constitutionally guaranteed right under the Constitution of Sierra Leone Act No. 6 of 1991 and also does violence to certain provisions relating to the Rules of procedure and Evidence of the Special Court for Sierra Leone.
19. That I am further advised by my Solicitor and Counsel Terence Michael Terry and I verily believe that my continued detention clearly amounts to cruel, inhuman and degrading treatment and a breach of the right to liberty and security of person guaranteed by Article 9 of the International Covenant on Civil and Political Rights, 1966 to which the Republic of Sierra Leone is a state party and the standards of which our Courts are under an obligation to uphold.
20. That I am informed by my Solicitor and Counsel Terence Michael Terry and I verily believe that on the 15<sup>th</sup> day of April 2003 he acknowledged service of documents on him which said acknowledgement of service is exhibited hereto by me and marked Exhibit "TAB 5".
21. That I am further advised by my Solicitor and Counsel Terence Michael Terry and I verily believe that the Orders prayed for in this application be granted in the interest of justice.

- 22. That I make this affidavit in support of the orders prayed for in this application by way of Notice of Motion Ex parte dated the 23<sup>rd</sup> day of May 2003.
- 23. That the contents of this affidavit are true to the best of my knowledge information and belief.

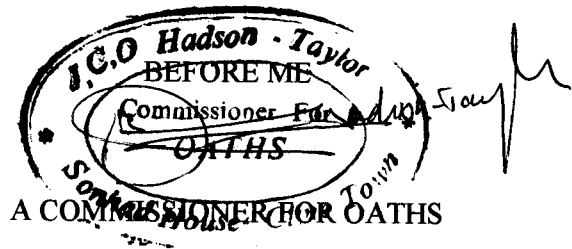
This affidavit was read over and explained to the Deponent Herein Tamba Alex Brima in the Creole language by a Witness interpreter *Easmon Ngakui* and he seemed perfectly to understand its contents before affixing his right thumbprint to same.



SWORN TO AT THE SPECIAL COURT  
 DETENTION FACILITY IN BONTHE IN THE  
 SOUTHERN PROVINCE OF THE  
 REPUBLIC OF SIERRA LEONE  
 ON THE 23<sup>rd</sup> DAY OF *May* 2003  
 AT 10.450'CLOCK IN THE *10:15* NOON



\_\_\_\_\_  
 DEPONENT  
 TAMBA ALEX BRIMA



THIS AFFIDAVIT IS FILED BY TERENCE MICHAEL TERRY OF 4<sup>TH</sup> FLOOR, MARONG HOUSE, 11 CHARLOTTE STREET, FREETOWN SOLICITOR AND COUNSEL FOR AND ON BEHALF OF THE APPLICANT HEREIN.



EXHIBIT TAB 1<sup>12</sup>

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**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN-SIERRA LEONE**

Before: Judge Bankole Thompson  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003.

**THE PROSECUTOR**

Against

**Alex Tamba Brima also known as (aka) Tamba Alex Brima aka GULLIT**

**Case No. SCSL - 2003 - 06 - PT**

And In matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

Tamba Alex Brima

- APPLICANT

And

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
applicant (accused) is presently kept in custody

- RESPONDENTS

THIS is a Certified True Copy of the Indictment referred to in paragraph (16)(i) of the affidavit of TAMBA ALEX BRIMA sworn to at the Special Court Detention Facility in Bonthe in the Southern Province of the Republic of Sierra Leone on the 23<sup>rd</sup> day of May, 2003 and marked Exhibit "TAB 1".

*J. C. Hadson*  
BEFORE ME  
Commissioner for OATHS  
*[Signature]*  
Bonhad House - Cline

A COMMISSIONER FOR OATHS.

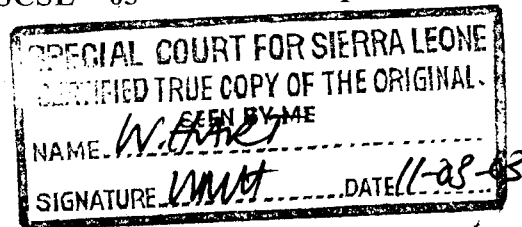
EXHIBIT TAB 1" 650  
SCSL-2003-06-I  
7 MARCH 2003  
7.00 AM.  
07 MAR 2003  
4

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO. SCSL - 03 - - I

THE PROSECUTOR

Against



OF 14 PAGES.

ALEX TAMBA BRIMA, also known as TAMBA ALEX BRIMA  
also known as GULLIT

INDICTMENT

The Prosecutor, Special Court for Sierra Leone, under Article 15 of the Statute of the Special Court for Sierra Leone (the Statute) charges:

ALEX TAMBA BRIMA also known as (aka) TAMBA ALEX BRIMA  
aka GULLIT

with **CRIMES AGAINST HUMANITY, VIOLATIONS OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II and OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW**, in violation of Articles 2, 3 and 4 of the Statute as set forth below:

THE ACCUSED

1. **ALEX TAMBA BRIMA aka TAMBA ALEX BRIMA aka GULLIT** (the **ACCUSED**) was born 23 November 1971 at Yaryah Village, Kono District, Republic of Sierra Leone.
2. The **ACCUSED** joined the Sierra Leone Army (SLA) in April 1985 and rose to the rank of Staff Sergeant.

## GENERAL ALLEGATIONS

3. At all times relevant to this Indictment, a state of armed conflict existed within Sierra Leone. For the purposes of this Indictment, organized armed factions involved in this conflict included the Revolutionary United Front (RUF), the Civil Defence Forces (CDF) and the Armed Forces Revolutionary Council (AFRC).
4. A nexus existed between the armed conflict and all acts or omissions charged herein as Violations of Article 3 common to the Geneva Conventions and of Additional Protocol II and as Other Serious Violations of International Humanitarian Law.
5. The organized armed group that became known as the RUF, led by FODAY SAYBANA SANKOH aka POPAY aka PAPA aka PA, was founded about 1988 or 1989 in Libya. The RUF, under the leadership of FODAY SAYBANA SANKOH, began organized armed operations in Sierra Leone in March 1991. During the ensuing armed conflict, the RUF forces were also referred to as "RUF", "rebels" and "People's Army".
6. The CDF was comprised of Sierra Leonean traditional hunters, including the Kamajors, Gbethis, Kapras, Tamaboros and Donsos. The CDF fought against the RUF and AFRC.
7. On 30 November 1996, in Abidjan, Ivory Coast, FODAY SAYBANA SANKOH and Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, signed a peace agreement which brought a temporary cessation to active hostilities. Thereafter, the active hostilities recommenced.
8. The AFRC was founded by members of the Armed Forces of Sierra Leone who seized power from the elected government of the Republic of Sierra Leone via a coup d'état on 25 May 1997. Soldiers of the Sierra Leone Army (SLA) comprised the majority of the AFRC membership. On that date JOHNNY PAUL KOROMA aka JPK became the leader and Chairman of the AFRC. The AFRC forces were also referred to as "Junta", "soldiers", "SLA", and "ex-SLA".
9. Shortly after the AFRC seized power, at the invitation of JOHNNY PAUL KOROMA, and upon the order of FODAY SAYBANA SANKOH, leader of the RUF, the RUF joined with the AFRC. The AFRC and RUF acted jointly thereafter. The AFRC/RUF

Junta forces (Junta) were also referred to as “Junta”, “rebels”, “soldiers”, “SLA”, “ex-SLA” and “People’s Army”.

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10. After the 25 May 1997 coup d’état, a governing body, the Supreme Council, was created within the Junta. The governing body included leaders of both the AFRC and RUF.
11. The Junta was forced from power by forces acting on behalf of the ousted government of President Kabbah about 14 February 1998. President Kabbah’s government returned in March 1998. After the Junta was removed from power the AFRC/RUF alliance continued.
12. On 7 July 1999, in Lomé, Togo, FODAY SAYBANA SANKOH and Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, signed a peace agreement. However, active hostilities continued.
13. The **ACCUSED** and all members of the organized armed factions engaged in fighting within Sierra Leone were required to abide by International Humanitarian Law and the laws and customs governing the conduct of armed conflicts, including the Geneva Conventions of 12 August 1949, and Additional Protocol II to the Geneva Conventions, to which the Republic of Sierra Leone acceded on 21 October 1986.
14. All offences alleged herein were committed within the territory of Sierra Leone after 30 November 1996.
15. All acts and omissions charged herein as Crimes Against Humanity were committed as part of a widespread or systematic attack directed against the civilian population of Sierra Leone.
16. The words civilian or civilian population used in this Indictment refer to persons who took no active part in the hostilities, or who were no longer taking an active part in the hostilities.

#### **INDIVIDUAL CRIMINAL RESPONSIBILITY**

17. Paragraphs 1 through 16 are incorporated by reference.

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18. At all times relevant to this Indictment, **ALEX TAMBA BRIMA** was a senior member of the AFRC, Junta and AFRC/RUF forces.
19. The **ACCUSED** was a member of the group which staged the coup and ousted the government of President Kabbah. **JOHNNY PAUL KOROMA**, Chairman and leader of the AFRC, appointed the **ACCUSED** a Public Liaison Officer (PLO) within the AFRC. In addition, the **ACCUSED** was a member of the Junta governing body.
20. Between mid February 1998 and about 30 April 1998, **ALEX TAMBA BRIMA** was in direct command of AFRC/RUF forces in the Kono District. In addition, the **ACCUSED** was in direct command of AFRC/RUF forces which conducted armed operations throughout the northeastern and central areas of the Republic of Sierra Leone, including, but not limited to, attacks on civilians in Bombali District between about May 1998 and 31 July 1998. As of about 22 December 1998, the **ACCUSED** was in command of AFRC/RUF forces which attacked Freetown on 6 January 1999.
21. In the positions referred to in paragraphs 18 through 20, **ALEX TAMBA BRIMA**, individually, or in concert with **JOHNNY PAUL KOROMA**, **FODAY SAYBANA SANKOH**, **ISSA HASSAN SESAY** aka **ISSA SESAY**, **SAM BOCKARIE** aka **MOSQUITO** aka **MASKITA**, **MORRIS KALLON** aka **BILAI KARIM** and/or other superiors in the AFRC, Junta and AFRC/RUF forces, exercised authority, command and control over all subordinate members of the AFRC, Junta and AFRC/RUF forces.
22. At all times relevant to this Indictment, the **ACCUSED**, through his association with the RUF, acted in concert with **CHARLES GHANKAY TAYLOR** aka **CHARLES MACARTHUR DAPKPANA TAYLOR**.
23. The AFRC, including the **ACCUSED**, and the RUF shared a common plan, purpose or design (joint criminal enterprise) which was to take any actions necessary to gain and exercise political power and control over the territory of Sierra Leone, in particular the diamond mining areas. The natural resources of Sierra Leone, in particular the diamonds, were to be provided to persons outside Sierra Leone in return for assistance in carrying out the joint criminal enterprise.
24. The joint criminal enterprise included gaining and exercising control over the population of Sierra Leone in order to prevent or minimize resistance to their

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29. These attacks were carried out primarily to terrorize the civilian population, but also were used to punish the population for failing to provide sufficient support to the AFRC/RUF, or for allegedly providing support to the Kabbah government or to pro-government forces. The attacks included unlawful killings, physical and sexual violence against civilian men, women and children, abductions and looting and destruction of civilian property. Many civilians saw these crimes committed; others returned to their homes or places of refuge to find the results of these crimes – dead bodies, mutilated victims and looted and burnt property.
30. As part of the campaign of terror and punishment the AFRC/RUF routinely captured and abducted members of the civilian population. Captured women and girls were raped; many of them were abducted and used as sex slaves and as forced labour. Some of these women and girls were held captive for years. Men and boys who were abducted were also used as forced labour; some of them were also held captive for years. Many abducted boys and girls were given combat training and used in active fighting. AFRC/RUF also physically mutilated men, women and children, including amputating their hands or feet and carving “AFRC” and “RUF” on their bodies.

**COUNTS 1 – 2: TERRORIZING THE CIVILIAN POPULATION AND COLLECTIVE PUNISHMENTS**

31. Members of the AFRC/RUF subordinate to and/or acting in concert with **ALEX TAMBA BRIMA** committed the crimes set forth below in paragraphs 32 through 57 and charged in Counts 3 through 13, as part of a campaign to terrorize the civilian population of the Republic of Sierra Leone, and did terrorize that population. The AFRC/RUF also committed the crimes to punish the civilian population for allegedly supporting the elected government of President Ahmed Tejan Kabbah and factions aligned with that government, or for failing to provide sufficient support to the AFRC/RUF.

By his acts or omissions in relation, but not limited to these events, **ALEX TAMBA BRIMA**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

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**Count 1:** Acts of Terrorism, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.d. of the Statute;

And:

**Count 2:** Collective Punishments, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.b. of the Statute.

**COUNTS 3 – 5: UNLAWFUL KILLINGS**

32. Victims were routinely shot, hacked to death and burned to death. Unlawful killings included, but were not limited to, the following:

**Bo District**

33. Between 1 June 1997 and 30 June 1997, AFRC/RUF attacked Tikonko, Telu, Sembahun, Gerihun and Mamboma, unlawfully killing an unknown number of civilians;

**Kenema District**

34. Between about 25 May 1997 and about 19 February 1998, in locations including Kenema town, members of AFRC/RUF unlawfully killed an unknown number of civilians;

**Kono District**

35. About mid February 1998, AFRC/RUF fleeing from Freetown arrived in Kono District. Between about 14 February 1998 and 30 June 1998, members of AFRC/RUF unlawfully killed several hundred civilians in various locations in Kono District, including Koidu, Tombodu, Foindu, Willifeh, Mortema and Biaya;

**Bombali District**

36. Between about 1 May 1998 and 31 July 1998, in locations including Karina, members of AFRC/RUF unlawfully killed an unknown number of civilians;

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**Freetown**

37. Between 6 January 1999 and 31 January 1999, AFRC/RUF conducted armed attacks throughout the city of Freetown. These attacks included large scale unlawful killings of civilian men, women and children at locations throughout the city, including the State House, Parliament building, Connaught Hospital, and the Kissy, Fourah Bay, Uppun, Calaba Town and Tower Hill areas of the city.

By his acts or omissions in relation, but not limited to these events, **ALEX TAMBA BRIMA**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 3:** Extermination, a **CRIME AGAINST HUMANITY**, punishable under Article 2.b. of the Statute;

In addition, or in the alternative:

**Count 4:** Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 2.a. of the Statute;

In addition, or in the alternative:

**Count 5:** Violence to life, health and physical or mental well-being of persons, in particular murder, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute.

**COUNTS 6 – 8: SEXUAL VIOLENCE**

38. Widespread sexual violence committed against civilian women and girls included brutal rapes, often by multiple rapists. Acts of sexual violence included, but were not limited to, the following:



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**Kono District**

39. Between about 14 February 1998 and 30 June 1998, members of AFRC/RUF raped hundreds of women and girls at various locations throughout the District, including Koidu, Tombodu, Kissi-town (or Kissi Town), Foendor (or Foendu), Tomendeh, Fokoiya, Wonedu and AFRC/RUF camps such as “Superman camp” and Kissi-town (or Kissi Town) camp. An unknown number of women and girls were abducted from various locations within the District and used as sex slaves;

**Bombali District**

40. Between about 1 May 1998 and 31 July 1998, members of AFRC/RUF raped an unknown number of women and girls in locations such as Mandaha. In addition, an unknown number of abducted women and girls were used as sex slaves;

**Kailahun District**

41. At all times relevant to this Indictment, an unknown number of women and girls in various locations in the District were subjected to sexual violence. Many of these victims were captured in other areas of the Republic of Sierra Leone, brought to AFRC/RUF camps in the District, and used as sex slaves;

**Freetown**

42. Between 6 January 1999 and 31 January 1999, members of AFRC/RUF raped hundreds of women and girls throughout the Freetown area, and abducted hundreds of women and girls and used them as sex slaves.

By his acts or omissions in relation, but not limited to these events, **ALEX TAMBA BRIMA**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 6:** Rape, a **CRIME AGAINST HUMANITY**, punishable under Article 2.g. of the Statute;

And:

**Count 7:** Sexual slavery and any other form of sexual violence, a **CRIME AGAINST HUMANITY**, punishable under Article 2.g. of the Statute;

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In addition, or in the alternative:

**Count 8:** Outrages upon personal dignity, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.e. of the Statute.

**COUNTS 9 – 10: PHYSICAL VIOLENCE**

43. Widespread physical violence, including mutilations, was committed against civilians. Victims were often brought to a central location where mutilations were carried out. These acts of physical violence included, but were not limited to, the following:

**Kono District**

44. Between about 14 February 1998 and 30 June 1998, AFRC/RUF mutilated an unknown number of civilians in various locations in the District, including Tombodu, Kaima (or Kayima) and Wonedu. The mutilations included cutting off limbs and carving “AFRC” and “RUF” on the bodies of the civilians;

**Freetown**

45. Between 6 January 1999 and 31 January 1999, AFRC/RUF mutilated an unknown number of civilian men, women and children in various areas of Freetown, including the northern and eastern areas of the city, and the Kissy area, including the Kissy mental hospital. The mutilations included cutting off limbs.

By his acts or omissions in relation, but not limited to these events, **ALEX TAMBA BRIMA**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 9:** Violence to life, health and physical or mental well-being of persons, in particular mutilation, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute;

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In addition, or in the alternative:

**Count 10:** Other inhumane acts, a **CRIME AGAINST HUMANITY**, punishable under Article 2.i. of the Statute.

**COUNT 11: USE OF CHILD SOLDIERS**

46. At all times relevant to this Indictment, throughout the Republic of Sierra Leone, AFRC/RUF routinely conscripted, enlisted and/or used boys and girls under the age of 15 to participate in active hostilities. Many of these children were first abducted, then trained in AFRC/RUF camps in various locations throughout the country, and thereafter used as fighters.

By his acts or omissions in relation, but not limited to these events, **ALEX TAMBA BRIMA**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 11:** Conscripting or enlisting children under the age of 15 years into armed forces or groups, or using them to participate actively in hostilities, an **OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW**, punishable under Article 4.c. of the Statute.

**COUNT 12: ABDUCTIONS AND FORCED LABOUR**

47. At all times relevant to this Indictment, AFRC/RUF engaged in widespread and large scale abductions of civilians and use of civilians as forced labour. Forced labour included domestic labour and use as diamond miners. The abductions and forced labour included, but were not limited to, the following:

**Kenema District**

48. Between about 1 August 1997 and about 31 January 1998, AFRC/RUF forced an unknown number of civilians living in the District to mine for diamonds at Cyborg Pit in Tongo Field;

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**Kono District**

49. Between about 14 February 1998 and 30 June 1998, AFRC/RUF forces abducted hundreds of civilian men, women and children, and took them to various locations outside the District, or to locations within the District such as AFRC/RUF camps, Tombodu, Koidu, Wonedu, Tomendeh. At these locations the civilians were used as forced labour, including domestic labour and as diamond miners in the Tombodu area;

**Bombali District**

50. Between about 1 May 1998 and 31 July 1998, in Bombali District, AFRC/RUF abducted an unknown number of civilians and used them as forced labour;

**Kailahun District**

51. At all times relevant to this Indictment, captured civilian men, women and children were brought to various locations within the District and used as forced labour;

**Freetown**

52. Between 6 January 1999 and 31 January 1999, in particular as the AFRC/RUF were being driven out of Freetown, the AFRC/RUF abducted hundreds of civilians, including a large number of children, from various areas within Freetown, including Peacock Farm and Calaba Town. These abducted civilians were used as forced labour.

By his acts or omissions in relation, but not limited to these events, **ALEX TAMBA BRIMA**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 12:** Enslavement, a **CRIME AGAINST HUMANITY**, punishable under Article 2.c. of the Statute.

**COUNT 13: LOOTING AND BURNING**

53. At all times relevant to this Indictment, AFRC/RUF engaged in widespread unlawful taking and destruction by burning of civilian property. This looting and burning included, but was not limited to, the following:

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**Bo District**

54. Between 1 June 1997 and 30 June 1997, AFRC/RUF forces looted and burned an unknown number of civilian houses in Telu, Sembehun, Mamboma and Tikonko;

**Kono District**

55. Between about 14 February 1998 and 30 June 1998, AFRC/RUF engaged in widespread looting and burning in various locations in the District, including Tombodu, Foindu and Yardu Sando, where virtually every home in the village was looted and burned;

**Bombali District**

56. Between 1 March 1998 and 30 June 1998, AFRC/RUF forces burnt an unknown number of civilian buildings in locations such as Karina;

**Freetown**

57. Between 6 January 1999 and 31 January 1999, AFRC/RUF forces engaged in widespread looting and burning throughout Freetown. The majority of houses that were destroyed were in the areas of Kissy and eastern Freetown; other locations included the Fourah Bay, Upgun, State House and Pademba Road areas of the city.

By his acts or omissions in relation, but not limited to these events, **ALEX TAMBA BRIMA**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 13: Pillage, a VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.f. of the Statute.

**COUNTS 14 – 17: ATTACKS ON UNAMSIL PERSONNEL**

58. Between about 15 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

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included unlawful killing of UNAMSIL peacekeepers, and abducting hundreds of peacekeepers and humanitarian assistance workers who were then held hostage.

By his acts or omissions in relation, but not limited to these events, **ALEX TAMBA BRIMA**, pursuant to Article 6.1. and, or alternatively, Article 6.3. of the Statute, is individually criminally responsible for the crimes alleged below:

**Count 14:** Intentionally directing attacks against personnel involved in a humanitarian assistance or peacekeeping mission, an **OTHER SERIOUS VIOLATION OF INTERNATIONAL HUMANITARIAN LAW**, punishable under Article 4.b. of the Statute;

In addition, or in the alternative:

**Count 15:** For the unlawful killings, Murder, a **CRIME AGAINST HUMANITY**, punishable under Article 2.a. of the Statute;

In addition, or in the alternative:

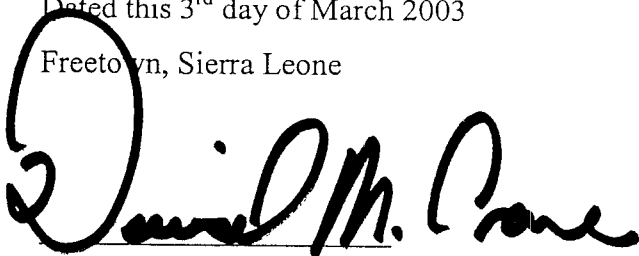
**Count 16:** Violence to life, health and physical or mental well-being of persons, in particular murder, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.a. of the Statute;

In addition, or in the alternative:

**Count 17:** For the abductions and holding as hostage, Taking of hostages, a **VIOLATION OF ARTICLE 3 COMMON TO THE GENEVA CONVENTIONS AND OF ADDITIONAL PROTOCOL II**, punishable under Article 3.c. of the Statute.

Dated this 3<sup>rd</sup> day of March 2003

Freetown, Sierra Leone



David M. Crane

The Prosecutor

EXHIBIT TAB 2

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**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN-SIERRA LEONE**

Before: Judge Bankole Thompson  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003.

**THE PROSECUTOR**

**Against**

**Alex Tamba Brima also known as (aka) Tamba Alex Brima aka GULLIT**

**Case No. SCSL – 2003 – 06 – PT**

And In matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

Tamba Alex Brima

- APPLICANT

And

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above

applicant (accused) is presently kept in custody - RESPONDENTS

THIS is a Certified True Copy of the Order of Judge Bankole Thompson ordering the arrest of the Applicant herein dated the 7<sup>th</sup> day of March, 2003 referred to in paragraph (16)(ii) of the affidavit of TAMBA ALEX BRIMA sworn to at the Special Court Detention Facility in Bonthe in the Southern Province of the Republic of Sierra Leone on the 23<sup>rd</sup> day of May, 2003 and marked Exhibit "TAB 2".

BEFORE ME Taylor  
J.C.O. HARRISON  
Commissioner for Oaths  
OATHS  
Southern Province  
Freetown  
A COMMISSIONER FOR OATHS.

EXHIBIT TAB 2  
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**SPECIAL COURT FOR SIERRA LEONE**

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995

FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996

Before: Judge Bankole Thompson

Registry: Mr. Robin Vincent

Decision of: 07 March 2003

**THE PROSECUTOR**

Against

**ALEX TAMBA BRIMA also known as TAMBA ALEX BRIMA**

**also known as GULLIT**

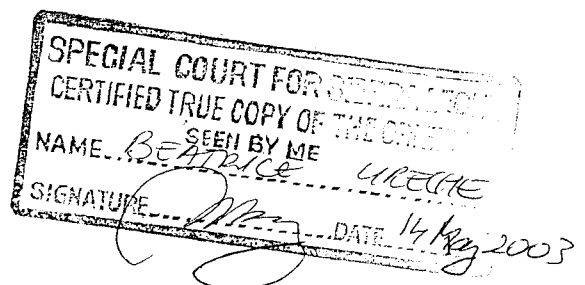
CASE NO. SCSL-2003-06-I

**WARRANT OF ARREST AND ORDER FOR TRANSFER  
AND DETENTION**

The Office of the Prosecutor:

David Crane

Brenda Hollis





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**THE SPECIAL COURT FOR SIERRA LEONE (the "Special Court"),**

**SITTING AS** Judge Thompson, designated by the President of the Special Court according to Rule 28 of the Rules of Procedure and Evidence ("the Rules");

**CONSIDERING** that the Indictment against ALEX TAMBA BRIMA also known as TAMBA ALEX BRIMA, also known as GULLIT, a citizen of Sierra Leone, born 23 November 1971 at Yaryah Village, Kono District, Republic of Sierra Leone, who is accused of Crimes against Humanity, violations of Article 3 common to the Geneva Conventions and of Additional Protocol II, and other Serious Violations of International Humanitarian Law ("the Accused"); was reviewed and approved by the Special Court on 7 March 2003,

**CONSIDERING** that an Order for the Non-Disclosure was granted on 7 March 2003;

**HEREBY ORDERS THE REGISTRAR OF THE SPECIAL COURT**

(A) to address this Warrant of Arrest, Decision Approving the Indictment, the Approved Indictment of the Accused and a Statement of the Rights of the Accused to the national authorities of Sierra Leone in accordance with Rule 55;

(C) to cause to be served on the Accused, at the time of his arrest, or as soon as is practicable immediately following his arrest, in English or have read to him in a language he understands, a certified copy of the Warrant of Arrest, a certified copy of the Indictment, a statement of the rights of the Accused and to caution the Accused that any statement made by him shall be recorded and may be used as evidence against him in coordination with the National Authorities of the State concerned;

(D) to remand the Accused, into the custody of the Special Court Detention Facility or such other Detention Facility as determined by the President in accordance with Rule 57.

**HEREBY ORDERS THE RELEVANT AUTHORITIES OF THE GOVERNMENT OF SIERRA LEONE**

(A) to transfer the Accused to the custody of the Special Court without delay, or to such other place as the President may decide. The transfer shall be arranged between with the relevant national authorities of the Government of Sierra Leone and the Registrar of the Special Court;

(B) to assist and facilitate the Office of the Prosecutor of the Special Court, at any location, in the search for and seizure of all evidence related to the crimes alleged to have been committed by the Accused;

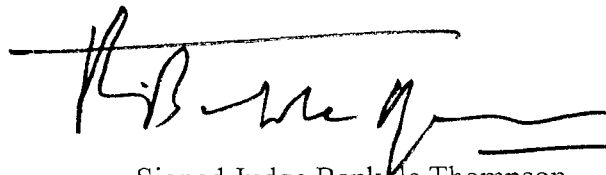
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(C) to identify and locate assets owned by the Accused located within the territory of any State and adopt provisional measures to freeze such assets without prejudice to the rights of third parties;

(D) not to disclose to the public, including the media or any public record, the existence of the Indictment and this Warrant of Arrest, or any part thereof or information pertaining to the Indictment and this Warrant for Arrest until further order of the Court or at the direction of the Prosecutor;

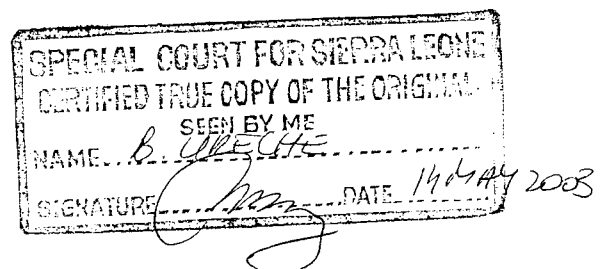
A Member of the Office of the Prosecutor may be present from the time of arrest.

Done in London, this 7<sup>th</sup> day of March 2003.



Signed Judge Bankole Thompson  
Presiding Judge of the Trial Chamber

(Seal of the Special Court)



EXHIBITS "TAB 3" &  
TAB 4 RESPECTIVELY

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Before: Judge Bankole Thompson  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003.

**THE PROSECUTOR**  
Against  
**Alex Tamba Brima also known as (aka) Tamba Alex Brima aka GULLIT**

**Case No. SCSL – 2003 – 06 – PT**

And In matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:  
Tamba Alex Brima - APPLICANT  
And  
Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
applicant (accused) is presently kept in custody - RESPONDENTS

THIS is a Certified True Copy of the entire proceedings held before Judge Benjamin Mutanga Itoe dated Saturday 15<sup>th</sup> March, 2003 and Monday 17<sup>th</sup> March, 2003 respectively referred to in paragraph (16)(iii) of the affidavit of TAMBA ALEX BRIMA sworn to at the Special Court Detention Facility in Bonthe in the Southern Province of the Republic of Sierra Leone on the 23<sup>rd</sup> day of May, 2003 and marked Exhibits "TAB 3" and "TAB 4" respectively,

A COMMISSIONER FOR OATHS.

EXHIBITS TAB "3" & "TAB 4"  
RESPECTIVE 2003-06-I

Initial Appearance (Open Session)

Page 1

(58-94)

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1 THE SPECIAL COURT FOR SIERRA LEONE  
2 Case No. SCSL-2003-06-I

3  
4 THE PROSECUTOR

5  
6 - against -

7  
8 ALEX TAMBA BRIMA,  
9 also known as TAMBA ALEX BRIMA,  
10 also known as GULLIT

11  
12 -----  
13 Initial Appearance of Alex Tamba Brima  
14 held before Judge Benjamin Mutanga Itoe  
15 on Saturday, 15 March 2003  
16 -----

17  
18 A P P E A R A N C E S :

19  
20 Mr. James Johnson, For the Prosecution  
21 Mr. Nicholas Browne-Marke,  
22  
23 Mrs. Claire Carlton-Hanciles, For the Defence  
24 Mrs. Haddi Jatou Kah-Jallow,  
25 Mr. Ibrahim Sorie Yillah,

SPECIAL COURT FOR SIERRA LEONE  
CERTIFIED TRUE COPY OF THE ORIGINAL.  
SEEN BY ME  
NAME: *M. D. Kamata*  
SIGNATURE: *[Signature]* DATE: *26/03/03*



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1 JUDGE ITOE: This is -- Alex Tamba Brima, this is not a trial  
2 process, this is a pre-trial process. Do you understand English? This  
3 is a pre-trial process.

4 THE ACCUSED: No, Your Lordship. ✓

5 JUDGE ITOE: Hmm?

6 THE ACCUSED: No, Your Lordship. ✓

7 MS. CARLTON-HANCILES: My Lord, with respect, My Lord, at this  
8 stage I make an application for an interpreter for the accused.

9 JUDGE ITOE: For an interpreter.

10 [The interpreter enters court]

11 JUDGE ITOE: Where is he going to? Where are you going to? No  
12 one has asked you to come inside here. Take your seat, please.

13 On what basis are you making this application?

14 MS. CARLTON-HANCILES: My Lord, I have actually conferred with  
15 the accused before coming to court. My Lord, he will very comfortable if  
16 he has the aid of an interpreter.

17 JUDGE ITOE: What is his level of education, if I may ask? You  
18 mightn't know maybe, or do you know?

19 MS. CARLTON-HANCILES: My Lord, as much I can say is that even  
20 us, as counsel, he's been requesting us to make him go into the lingo of  
21 Krio in order to keep --

22 JUDGE ITOE: No, I understand. Okay, your point is taken. I  
23 think your application for an interpreter is granted.

24 Are there any interpreters in court?

25 THE REGISTRAR: Yes, My Lord.

1 JUDGE ITOE: Yes, come.

2 [The interpreter enters court]

3 JUDGE ITOE: The Court has taken note, you know, of his  
4 application to have an interpreter, and the Court will rule on this on  
5 Monday, Monday the -- Monday, what's the date of Monday? Monday, the  
6 17th. So I will take this application on Monday, the 17th, and I'll ask  
7 the parties, including the interpreter who has presented himself, or any  
8 other, to appear Monday at 10:00.

9 So the matter is adjourned to Monday, 10:00. Explain it to him.  
10 No, no, no, don't worry. It's all right. It's no problem. He can take  
11 him away. You are not yet sworn in as an interpreter. The matter is  
12 adjourned to Monday, the 17th, so he will appear on that day and counsel  
13 will look into the proceedings on that day.

14 Matter adjourned.

15 --- Whereupon the Initial Appearance adjourned at  
16 2:05 p.m., to be reconvened on Monday, the 17th day  
17 of March, 2003.

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THE SPECIAL COURT FOR SIERRA LEONE

Case No. SCSL-2003-06-I

THE PROSECUTOR

- against -

ALEX TAMBA BRIMA,  
also known as TAMBA ALEX BRIMA,  
also known as GULLIT

-----  
Continued Initial Appearance of Alex Tamba Brima  
held before Judge Benjamin Mutanga Itoe  
on Monday, 17 March 2003  
-----

A P P E A R A N C E S :

Mr. James Johnson, For the Prosecution  
Mr. Nicholas Browne-Marke,  
Mrs. Claire Carlton-Hanciles, For the Defence ✓  
Mrs. Haddi Jatou Kah-Jallow,  
Mr. Ibrahim Sorie Yillah,



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1 Monday, 17 March 2003

2 [Continued Initial Appearance of Alex Tamba Brima]

3 [Open session]

4 [The accused entered court]

5 --- Upon commencing at 10:00 a.m.

6 THE USHER: The Special Court will stand, please.

7 JUDGE ITOE: Please be seated. Please call the first case.

8 \* THE REGISTRAR: Case number S -- case number SCSL-06, Alex Tamba  
9 Brima, also known as Tamba Alex Brima, also known as Gullit. The  
10 Prosecutor against Alex Tamba Brima, also known as Tamba Alex Brima, also  
11 known as Gullit.

12 JUDGE ITOE: May I have the cause list, please.

13 Yes, appearances, please.

14 MR. JOHNSON: For the Prosecution, James Johnson and Nicholas  
15 Browne-Marke.

16 JUDGE ITOE: For the Defence.

17 MS. CARLTON-HANCILES: For the Defence, Claire F.  
18 Carlton-Hanciles.

19 JUDGE ITOE: Yes.

20 MS. CARLTON-HANCILES: Haddi Jatou Kah-Jallow.

21 JUDGE ITOE: That's K-a-h, J-a-l-l-o-w.

22 MS. CARLTON-HANCILES: Yes, My Lord.

23 JUDGE ITOE: Yes.

24 MS. CARLTON-HANCILES: And Ibrahim S. Yillah.

25 JUDGE ITOE: Yillah is Y-i-l-l-a-h?

1 MR. YILLAH: Very good, My Lord. Very good.

2 JUDGE ITOE: Stand.

3 [The accused stands]

4 JUDGE ITOE: Are you Alex Tamba Brima?

5 THE ACCUSED: I'm Tamba Alex Brima. ✓

6 JUDGE ITOE: Tamba Alex Brima. ✓

7 THE ACCUSED: Yes, Your Lordship. ✓✓

8 JUDGE ITOE: You have -- you are being represented here by three  
9 lawyers. Are you aware of that?

10 THE ACCUSED: Yes, Your Lordship. ✓

11 JUDGE ITOE: This matter was adjourned for a ruling to be made on  
12 an application submitted by the Defence on whether there should be an  
13 interpreter or not. In accordance with our Rules of Procedure, the  
14 Court rules that the accused person is entitled to an interpreter who  
15 will conduct the interpretation from English to Krio or vice versa.

16 So have you been served with the charge? Where is the -- can you  
17 get us an interpreter, please.

18 THE REGISTRAR: Yes, My Lord. Come up.

19 [The interpreter enters court]

20 JUDGE ITOE: Microphone.

21 THE REGISTRAR: Are you a Muslim or a Christian?

22 THE INTERPRETER: Christian.

23 THE REGISTRAR: Christian.

24 THE INTERPRETER: I, Brima K. Sesay, an interpreter or a  
25 translator, shall solemnly declare to do so faithfully, independently,

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1 impartially, and with full respect for the duty of confidentiality, so  
2 help me God.

3 THE REGISTRAR: Sworn on the Bible, My Lord.

4 [The interpreter was sworn]

5 JUDGE ITOE: So the name of the interpreter, what's your name?

6 THE INTERPRETER: Brima K. Sesay.

7 JUDGE ITOE: Brima?

8 THE INTERPRETER: Brima K. Sesay.

9 JUDGE ITOE: How do you spell "K"?

10 THE INTERPRETER: Just a "K".

11 JUDGE ITOE: Just "K", just an abbreviation for a name.

12 THE INTERPRETER: Yes.

13 JUDGE ITOE: Can we have the name, please.

14 THE INTERPRETER: Kelson.

15 JUDGE ITOE: Kelson.

16 THE INTERPRETER: Yes, sir.

17 JUDGE ITOE: How do you spell it?

18 THE INTERPRETER: K-e-l-s-o-n.

19 JUDGE ITOE: Mm-hm. Sesay?

20 THE INTERPRETER: S-e-s-a-y.

21 JUDGE ITOE: Let the defendant inform us whether he's been served  
22 with a copy of the indictment.

23 THE ACCUSED: [Interpretation] Yes, My Lord.

24 JUDGE ITOE: Has he read that?

25 THE INTERPRETER: He says he's not good at reading. ✓

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1 JUDGE ITOE: Has he spoken to his counsel?

2 THE ACCUSED: [Interpretation] Yes. ✓

3 JUDGE ITOE: Have they brought -- have they looked at the  
4 indictment?

5 THE ACCUSED: [Krio spoken and no interpretation] ✓

6 JUDGE ITOE: I'm not hearing him. Let him -- speak up.

7 THE ACCUSED: [Interpretation] They will say that. ✓

8 JUDGE ITOE: Where were you before you were brought in detention?

9 THE ACCUSED: [Krio spoken and no interpretation] ✓

10 JUDGE ITOE: He should speak out. Even though he's being  
11 interpreted, we want to hear him speaking out.

12 THE INTERPRETER: Yes, sir.

13 JUDGE ITOE: Speak out. You're not only talking to him, you  
14 know, talk -- let's hear you.

15 THE ACCUSED: I've been in a prison. ✓

16 JUDGE ITOE: Huh?

17 THE ACCUSED: I've been in a prison. ✓

18 THE INTERPRETER: I was in prison.

19 JUDGE ITOE: In Freetown?

20 THE ACCUSED: Yes. ✓

21 JUDGE ITOE: Yes, can counsel -- Madam Hanciles --

22 MS. CARLTON-HANCILES: Yes, My Lord.

23 JUDGE ITOE: -- you have gone through the indictment?

24 ✓ MS. CARLTON-HANCILES: Yes, My Lord. We have actually gone  
25 through it completely, and he prefers to have the charges put to him this

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1 morning.

2 JUDGE ITOE: In what sense? Of course the charges will be put to  
3 him normally.

4 ✓ MS. CARLTON-HANCILES: Yes. He is not -- he does not mind if the  
5 full indictment is not read out to him. He will have the charges read to  
6 him in terms of the counts, and he will take his plea.

7 JUDGE ITOE: It is not his preference. We have an obligation  
8 here for the indictment to be read to the accused person.

9 ✓ MS. CARLTON-HANCILES: My Lord, we fully appreciate that. And  
10 we've actually had fruitful discussions with him with regard to the whole  
11 indictment. And, My Lord, he -- according to what we have actually got  
12 from him, he will not mind if the counts are put to him and he takes a  
13 plea.

14 JUDGE ITOE: Well, the Court rules that, you know, the entire  
15 indictment will be read to him.

16 ✓ MS. CARLTON-HANCILES: Much obliged, My Lord.

17 JUDGE ITOE: And we'll take all the time, we're here for the day,  
18 so that he knows precisely the content of the entire indictment that has  
19 been brought for him -- against him.

20 ✓ MS. CARLTON-HANCILES: Much obliged.

21 JUDGE ITOE: Yes.

22 Yes, can you please read the indictment.

23 THE REGISTRAR: Case number SCSL-06, Prosecutor against Alex  
24 Tamba Brima, also known as Tamba Alex Brima, also known as Gullit.

25 Indictment.

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1 The Prosecutor, Special Court for Sierra Leone, under Article 15  
2 of the Statute of the Special Court for Sierra Leone (the Statute)  
3 charges Alex Tamba Brima, also known as (aka) Tamba Alex Brima aka Gullit  
4 with crimes against humanity, violations of Article 3 Common to the  
5 Geneva Conventions and of Additional Protocol II, and other serious  
6 violations of international humanitarian law, in violation of Articles 2,  
7 3 and 4 of the Statute as set forth below:

8 The Accused.

9 Alex Tamba Brima, aka Tamba Alex Brima, aka Gullit (the Accused),  
10 was born 23 November 1971 at Yaryah Village, Kono District, Republic of  
11 Sierra Leone.

12 [Fan noise]

13 THE REGISTRAR: That was 1.

14 2. The Accused joined the Sierra Leone Army (SLA) in April 1985  
15 and rose to the rank of Staff Sergeant. ✓

16 \* General Allegations \*

17 3. At all times relevant to this Indictment, a state of armed  
18 conflict existed within Sierra Leone. For the purposes of this  
19 Indictment, organized armed factions involved in this conflict included  
20 the Revolutionary United Front (RUF), the Civil Defence Forces (CDF) and  
21 the Armed Forces Revolutionary Council (AFRC).

22 4. A nexus existed between the armed conflict and all acts or  
23 omissions charged herein as violations of Article 3 Common to the Geneva  
24 Conventions -- a nexus existed between the armed conflict and all acts or  
25 omissions charged herein as violations of Article 3 Common to the Geneva

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1 Conventions and of Additional Protocol II and as other serious violations  
2 of international humanitarian law.

3 5. The organized armed group that became known as the RUF, led  
4 by Foday Saybana Sankoh aka Popay aka Papa aka Pa, was founded about 1988  
5 or 1989 in Libya. The RUF, under the leadership of Foday Saybana Sankoh,  
6 began organized operations in Sierra Leone in March 1991. During the  
7 ensuing armed conflict, the RUF forces were also referred to as "RUF",  
8 "rebels" and "People's Army".

9 6. The CDF was comprised of Sierra Leonean traditional hunters,  
10 including the Kamajors, Gbethis, Kapras, Tamaboros and Donsos. The CDF  
11 fought against the RUF and AFRC.

12 7. On 30 November 1996, in Abidjan, Ivory Coast, Foday Saybana  
13 Sankoh and Ahmed Tejan Kabbah, the President of the Republic of Sierra  
14 Leone, signed a peace agreement which brought a temporary cessation to  
15 active hostilities. Thereafter, the active hostilities recommenced.

16 8. The AFRC was founded by members of the Armed Forces of Sierra  
17 Leone who seized power from the elected government of the Republic of  
18 Sierra Leone via a coup d'etat on 25 May 1997. Soldiers of the Sierra  
19 Leone Army (SLA) comprised the majority of the AFRC membership. On that  
20 date Johnny Paul Koroma aka JPK became the leader and Chairman of the  
21 AFRC. The AFRC forces were also referred to as "Junta ", "soldiers",  
22 "SLA", and "ex-SLA".

23 9. Shortly after the AFRC seized power, at the invitation of  
24 Johnny Paul Koroma, and upon the order of Foday Saybana Sankoh, leader of  
25 the RUF, the RUF joined the AFRC. The AFRC and RUF acted jointly

1 thereafter.

2 JUDGE ITOE: Excuse me. Just ask him. Is he following the  
3 indictment?

4 THE ACCUSED: [Interpretation] Yes. ✓

5 JUDGE ITOE: Go ahead.

6 THE REGISTRAR: The AFRC/RUF Junta forces (Junta) were also  
7 referred to as "Junta", "rebels", "soldiers", "SLA", "ex-SLA" and  
8 "People's Army".

9 10. After the 25 May 1997 coup d'etat, a governing body, the  
10 Supreme Council, was created within the Junta. The governing body  
11 included leaders of both the AFRC and RUF.

12 11. The Junta was forced from power by forces acting on behalf  
13 of the ousted government of President Kabbah about 14 February 1998.  
14 President Kabbah's government returned <sup>10<sup>th</sup></sup> in March 1998. After the Junta  
15 was removed from power, the AFRC/RUFF alliance continued.

16 12. On 7 July 1999, in Lome, Togo, Foday Saybana Sankoh and  
17 Ahmed Tejan Kabbah, President of the Republic of Sierra Leone, signed a  
18 peace agreement. However, active hostilities continued.

19 13. The Accused and all members of the organized armed factions  
20 engaged in fighting within Sierra Leone were required to abide by  
21 international humanitarian law and the laws and customs governing the  
22 conduct of armed conflicts, including the Geneva Conventions of 12 August  
23 1949, and Additional Protocol II to the Geneva Conventions, to which the  
24 Republic of Sierra Leone acceded on 21 October 1986.

25 14. All offences alleged herein were committed within the



1 territory of Sierra Leone after 30 November 1996.

2 15. All acts and omissions charged herein as crimes against  
3 humanity were committed as part of a widespread or systematic attack  
4 directed against the civilian population of Sierra Leone.

5 16. The words "civilian" or "civilian population" used in this  
6 Indictment refer to persons who took no active part in the hostilities,  
7 or who were no longer -- who were no longer taking an active part in the  
8 hostilities.

9 \* Individual Criminal Responsibility. \*

10 17. Paragraphs 1 through 16 are incorporated by reference.  
11 Paragraphs 1 through 16, that is all what I have read, are incorporated  
12 by reference.

13 18. At all times relevant to this Indictment, Alex Tamba Brima  
14 was a senior member of the AFRC, Junta and AFRC/RUF forces.

15 19. The Accused was a member of the group which staged the coup  
16 and ousted the government of President Kabbah. Johnny Paul Koroma,  
17 Chairman and leader of the AFRC, appointed the Accused a Public Liaison  
18 Officer (PLO) within the AFRC. In addition, the Accused was a member of  
19 the Junta governing body.

20 20. Between mid February 1998 and about 30 April 1998, Alex  
21 Tamba Brima was in direct command of AFRC/RUF forces in the Kono  
22 District. In addition, the Accused was in direct command of AFRC/RUF  
23 forces which conducted armed operations throughout the northeastern and  
24 central areas of the Republic of Sierra Leone, including, but not limited  
25 to, attacks on civilians in Bombali District between about May 1998 and

KURUBELA  
MANSOFA  
YARIA

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1 31 July 1998. As of about 22 December 1998, the Accused was in command  
2 of AFRC/RUF forces which attacked Freetown on 6 January 1999. *NIL*

3 21. In the positions referred to in paragraphs 18 through 20,  
4 Alex Tamba Brima individually, or in concert with Johnny Paul Koroma,  
5 Foday Saybana Sankoh, Issa Hassan Sesay aka Issa Sesay, Sam Bockarie aka  
6 Mosquito aka Maskita, Morris Kallon aka Bilai Karim, and/or other  
7 superiors in the AFRC, Junta and AFRC/RUF forces, exercised authority,  
8 command and control all over -- over all subordinate members of the AFRC,  
9 Junta and AFRC/RUF forces.

10 22. At all times relevant to this Indictment, the Accused,  
11 through his association with the RUF, acted in concert with Charles  
12 Ghankay Taylor aka Charles MacArthur Dapkpana Taylor.

13 23. The AFRC, including the Accused, and the RUF shared a common  
14 plan, purpose or design (joint criminal enterprise) which was to take any  
15 actions necessary to gain and exercise political power and control over  
16 the territory of Sierra Leone, in particular the diamond mining areas.  
17 The natural resources of Sierra Leone, in particular the diamonds, were  
18 to be provided to persons outside Sierra Leone in return for assistance  
19 in carrying out the joint criminal enterprise.

20 24. The joint criminal enterprise included gaining and  
21 exercising control over the population of Sierra Leone in order to  
22 prevent or minimize resistance to their geographic control, and to use  
23 members of the population to provide support to the members of the joint  
24 criminal enterprise. The crimes alleged in this Indictment, including  
25 unlawful killings, abductions, forced labor, physical and sexual

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1 violence, use of child soldiers, looting and burning of civilian  
2 structures, were either actions within the joint criminal enterprise or  
3 were a reasonably foreseeable consequence of the joint criminal  
4 enterprise.

5 25. Alex Tamba Brima, by his acts or omissions, is individually  
6 criminally responsible, pursuant to Article 6.1 of the Statute, of the  
7 crimes referred to in Articles 2, 3 and 4 of the Statute as alleged in  
8 this Indictment, which crimes the Accused planned, instigated, ordered,  
9 committed or in whose planning, preparation or execution the Accused  
10 otherwise aided and abetted, or which crimes were within a joint criminal  
11 enterprise in which the Accused participated or were a reasonably  
12 foreseeable consequence of the joint criminal enterprise in which the  
13 Accused participated.

14 26. In addition, or alternatively, pursuant to Article 6.3 of  
15 the Statute, Alex Tamba Brima, while holding positions of superior  
16 responsibility and exercising effective control over his subordinates, is  
17 individually criminally responsible for the crimes referred to in  
18 Articles 2, 3 and 4 of the Statute. The Accused is responsible for the  
19 criminal acts of his subordinates in that he knew or had reason to know  
20 that the subordinate was about to commit such acts or had done so and the  
21 Accused failed to take the necessary and reasonable measures to prevent  
22 such acts or to punish the perpetrators thereof.

23 ~~\* Charges \*~~

24 27. Paragraphs 17 through 26 are incorporated by reference.

25 28. At all times relevant to this Indictment, members of the

1 RUF, AFRC, Junta and/or AFRC/RUF forces (AFRC/RUF), subordinate to and/or  
2 acting in concert with Alex Tamba Brima, conducted armed attacks  
3 throughout the territory of the Republic of Sierra Leone, including, but  
4 not limited to, Bo, Kono, Kenema, Bombali and Kailahun Districts and  
5 Freetown. Targets of the armed attacks included civilians and  
6 humanitarian assistance personnel and peacekeepers assigned to the United  
7 Nations Mission in Sierra Leone (UNAMSIL), which had been created by  
8 United Nations Security Council Resolution 1270 (1999).

9 29. These attacks were carried out primarily to terrorize the  
10 civilian population, but also were used to punish the population for  
11 failing to provide sufficient support to the AFRC/RUF, or for allegedly  
12 providing support to the Kabbah government or to pro-government forces.  
13 The attacks included unlawful killings, physical and sexual violence  
14 against civilian men, women and children, abductions and looting and  
15 destruction of civilian property. Many civilians saw these crimes  
16 committed; others returned to their homes or places of refuge to find the  
17 results of these crimes - dead bodies, mutilated victims and looted and  
18 burnt property.

19 30. As part of the campaign of terror and punishment the  
20 AFRC/RUF routinely captured and abducted members of the civilian  
21 population. Captured women and girls were raped; many of them were  
22 abducted and used as sex slaves and as forced labor. Some of these women  
23 and girls were held captive for years. Many and boys who were abducted  
24 were also used as forced labor; some of them were also held captive for  
25 years. Many abducted boys and girls were given combat training and used

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1 in active fighting. AFRC/RUF also physically mutilated men, women and  
2 children, including amputating their hands or feet and carving "AFRC" and  
3 "RUF" on their bodies.

4 Counts 1 to 2 -- inform him when I'm done this, His Lordship will  
5 ask him to plead to the counts, one after the other. So listen  
6 carefully.

7 Counts 1 to 2: Terrorizing the Civilian Population and  
8 Collective Punishments.

9 31. Members of the AFRC/RUF subordinate to and/or acting in  
10 concert with Alex Tamba Brima committed the crimes set forth below in  
11 paragraphs 32 through 57 and charged in Counts 3 through 13 as part of a  
12 campaign to terrorize the civilian population of the Republic of Sierra  
13 Leone, and did terrorize that population. The AFRC/RUF also committed  
14 the crimes to punish the civilian population for allegedly supporting the  
15 elected government of President Ahmed Tejan Kabbah and factions aligned  
16 with that government, or for failing to provide sufficient support to the  
17 AFRC/RUF.

18 By his acts or omissions in relation but not limited to these  
19 events, Alex Tamba Brima, pursuant to Article 6.1 and, or alternatively,  
20 Article 6.3 of the Statute, is individually criminally responsible for  
21 the crimes alleged below:

22 \* Count 1: Acts of terrorism, a violation of Article 3 Common to  
23 the Geneva Conventions and of Additional Protocol II, punishable under  
24 Article 3.d of the Statute.

25 JUDGE ITOE: Now, that is Count 1. Are you guilty or not guilty?

1           1. THE ACCUSED: Not guilty, Your Lordship. ✓

2           THE INTERPRETER: Not guilty, Your Lordship.

3           JUDGE ITOE: All right. Count 2.

4           \* THE REGISTRAR: Count 2: Collective punishments, a violation of  
5 Article 3 Common to the Geneva Conventions and of Additional Protocol II,  
6 punishable under Article 3.b of the Statute.

7           THE INTERPRETER: Take it slowly.

8           \* THE REGISTRAR: Count 2: Collective punishments, a violation of  
9 Article 3 Common to the Geneva Conventions and of Additional Protocol II,  
10 punishable under Article 3.b of the Statute.

11           JUDGE ITOE: Ask him if he's guilty or not guilty. Are you  
12 guilty or not guilty?

13           2. THE ACCUSED: Not guilty, My Lord. ✓

14           THE INTERPRETER: Not guilty, My Lord.

15           THE REGISTRAR: Counts 3 to 5: Unlawful Killings.

16           32. Victims were routinely shot, hacked to death and burned to  
17 death. Unlawful killings included, but were not limited to, the  
18 following:

19           Bo District.

20           33. Between 1 June 1997 and 30 June 1997, AFRC/RUF attacked  
21 Tikonko, Telu, Sembahun, Gerihun, Mamboma, unlawfully killing an unknown  
22 number of civilians;

23           Kenema District.

24           34. Between about 25 May 1997 and about 19 February 1998, in  
25 locations including Kenema Town, members of AFRC/RUF unlawfully killed an

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1 unknown number of civilians;

2 Kono District.

3 35. About mid February 1998, AFRC/RUF fleeing from Freetown  
4 arrived in Kono District. Between about 14 February 1998 and 30 June  
5 1998, members of AFRC/RUF unlawfully killed several hundred civilians in  
6 various locations in Kono District, including Koidu, Tombodu, Foindu,  
7 Willifeh, Mortema and Biaya;

8 Bombali District.

9 36. Between about 1 May 1998 and 31 July 1998 -- 31 July 1998,  
10 in locations including Karina, members of AFRC/RUF unlawfully an unknown  
11 number of civilians;

12 Freetown.

13 37. Between 6 January 1999 and 31 January 1999, AFRC/RUF  
14 conducted armed attacks throughout the city of Freetown. These attacks  
15 included large-scale unlawful killings of civilian men, women and  
16 children at locations throughout the city, including the State House,  
17 Parliament building, Connaught Hospital, and the Kissy, Fourah Bay,  
18 Uppun, Calaba Town and Tower Hill areas of the city.

19 By his acts or omissions in relation but not limited to these  
20 events, Alex Tamba Brima, pursuant to Article 6.1 and, or alternatively,  
21 Article 6.3 of the Statute, is individually criminally responsible for  
22 the crimes alleged below:

23 \* Count 3: Extermination, a crime against humanity, punishable  
24 under Article 2.b of the Statute.

25 JUDGE ITOE: Are you guilty or not guilty?

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1           3 THE ACCUSED: Not guilty. ✓

2           JUDGE ITOE: Hmm?

3           THE ACCUSED: Not guilty, Your Honour. ✓

4           THE INTERPRETER: Not guilty.

5           JUDGE ITOE: Go ahead.

6           THE REGISTRAR: In addition, or in the alternative:

7           \* Count 4: Murder, a crime against humanity, punishable under  
8 Article 2.a of the Statute.

9           JUDGE ITOE: Are you guilty or not guilty?

10          4 THE ACCUSED: Not guilty, Your Lordship. ✓

11          THE REGISTRAR: In addition, or in the alternative:

12          \* Count 5: Violence to life, health and physical or mental  
13 well-being of persons, in particular murder, a violation of Article 3  
14 Common to the Geneva Conventions and of Additional Protocol II,  
15 punishable under Article 3.a of the Statute.

16          JUDGE ITOE: Are you guilty or not guilty?

17          5 THE ACCUSED: Not guilty, Your Lordship. ✓

18          THE REGISTRAR: Counts 6 to 8: Sexual Violence.

19          38. Widespread sexual violence committed against civilian women  
20 and girls included brutal rapes, often by multiple rapists. Acts of  
21 sexual violence included, but were not limited to, the following:

22                 Kono District.

23          39. Between about 14 February 1998 and 30 June 1998, members of  
24 AFRC/RUF raped hundreds of women and girls at various locations  
25 throughout the District, including Koidu, Tombodu, Kiss-town (or Kissy



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1 Town), Foendor (Foendu), Tomendeh, Fokoiya, Wonedu, and AFRC/RUF camps  
2 such as "Superman camp" and Kissi-town (or Kissy Town) camp. An unknown  
3 number of women and girls were abducted from various locations within the  
4 District and used as sex slaves;

5 Bombali District.

6 40. Between about 1 May 1998 and 31 July 1998, members of  
7 AFRC/RUF raped an unknown number of women and girls in locations such as  
8 Mandaha. In addition, an unknown number of abducted women and girls were  
9 used as sex slaves;

10 Kailahun District.

11 41. At all times relevant to this Indictment, an unknown number  
12 of women and girls in various locations in the District were subjected to  
13 sexual violence. Many of these victims were captured in other areas of  
14 the Republic of Sierra Leone, brought to AFRC/RUF camps in the District,  
15 and used as sex slaves;

16 Freetown.

17 42. Between 6 January 1999 and 31 January 1999, members of  
18 AFRC/RUF raped hundreds of women and girls throughout the Freetown area,  
19 and abducted hundreds of women and girls and used them as sex slaves.

20 By his acts or omissions in relation but not limited to these  
21 events, Alex Tamba Brima, pursuant to Article 6.1 --

22 JUDGE ITOE: Just hold on, just hold on. I imagine -- who are  
23 you?

24 MR. JENKINS-JOHNSTON: Me, sir?

25 JUDGE ITOE: Yes.

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1 MR. JENKINS-JOHNSON: I'm representing Chief Norman.

2 JUDGE ITOE: You are counsel representing Chief Norman.

3 MR. JENKINS-JOHNSTON: Yes, My Lord.

4 JUDGE ITOE: Just take a seat there.

5 THE REGISTRAR:

6 Freetown.

7 42. Between 6 January 1999 and 31 January 1999, members of  
8 AFRC/RUF raped hundreds of women and girls throughout the Freetown area,  
9 and abducted hundreds of women and girls and used them as sex slaves.

10 By his acts or omissions but not limited to these events, Alex  
11 Tamba Brima, pursuant to Article 6.1 and, or alternatively, Article 6.3  
12 of the Statute, is individually criminally responsible for the crimes  
13 alleged below:

14 \* Count 6: Rape, a crime against humanity, punishable under  
15 Article 2.g of the Statute.

16 JUDGE ITOE: Are you guilty or not guilty?

17 6. THE ACCUSED: Not guilty, Your Lordship. ✓

18 THE INTERPRETER: Not guilty, Your Lordship.

19 \* THE REGISTRAR: Count 7: Sexual slavery and any other form of  
20 sexual violence, a crime against humanity, punishable under Article 2.g  
21 of the Statute.

22 JUDGE ITOE: Guilty or not guilty?

23 7. THE ACCUSED: Not guilty, Your Lordship. ✓

24 THE REGISTRAR: In addition, or in the alternative:

25 \* Count 8: Outrages upon personal dignity, a violation of Article

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1 3 Common to the Geneva Conventions and of Additional Protocol II,  
2 punishable under Article 3.e of the Statute.

3 JUDGE ITOE: Are you guilty or not guilty?

4 8. THE ACCUSED: Not guilty, Your Lordship. ✓

5 THE REGISTRAR: Counts 9 to 10: Physical Violence.

6 43. Widespread physical violence, including mutilations, was  
7 committed against civilians. Victims were often brought to a central  
8 location where mutilations were carried out. These acts of physical  
9 violence included, but were not limited to, the following:

10 Kono District.

11 44. Between about 14 February 1998 and 30 June 1998, AFRC/RUF  
12 mutilated an unknown number of civilians in various locations in the  
13 District, including Tombodu, Kaima (or Kayima) and Wonedu. The  
14 mutilations included cutting off limbs and carving "AFRC" and "RUF" on  
15 the bodies of the civilians;

16 Freetown.

17 45. Between 6 January 1999 and 31 January 1999, AFRC/RUF  
18 mutilated an unknown number of civilian men, women and children in  
19 various areas of Freetown, including the northern and eastern areas of  
20 the city, and the Kissy area, including the Kissi mental hospital. The  
21 mutilations included cutting off limbs.

22 By his acts or omissions in relation but not limited to these  
23 events, Alex Tamba Brima, pursuant to Article 6.1 and, or alternatively,  
24 Article 6.3 of the Statute, is individually criminally responsible for  
25 the crimes alleged below:

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1 \* Count 9: Violence to life, health and physical or mental  
2 well-being of persons, in particular mutilation, a violation of Article 3  
3 Common to the Geneva Conventions and of Additional Protocol II,  
4 punishable under Article 3.a of the Statute.

5 JUDGE ITOE: Are you guilty or not guilty?

6 9 THE ACCUSED: Not guilty, My Lordship. ✓

7 THE REGISTRAR: In addition, or in the alternative:

8 \* Count 10: Other inhumane acts, a crime against humanity,  
9 punishable under Article 2.i of the Statute.

10 \* Count 11 --

11 JUDGE ITOE: Are you guilty or not guilty?

12 10. THE ACCUSED: Not guilty, Your Lordship. ✓

13 THE REGISTRAR: Count 11: Use of Child Soldiers.

14 \* JUDGE ITOE: Tell the accused to not say My Worship but My \*  
15 Lordship.

16 THE INTERPRETER: Yes, My Lord. [Krio spoken].

17 JUDGE ITOE: Count 11, yes, go ahead.

18 THE REGISTRAR: Count 11. Use of Child Soldiers.

19 46. At all times relevant to this Indictment, throughout the  
20 Republic of Sierra Leone, AFRC/RUF routinely conscripted, enlisted and/or  
21 used boys and girls under the age of 15 to participate in active  
22 hostilities. Many of these children were first abducted, then trained in  
23 AFRC/RUF camps in various locations throughout the country, and  
24 thereafter used as fighters.

25 By his acts or omissions in relation but not limited to these

1 events, Alex Tamba Brima, pursuant to Article 6.1 and, or alternatively,  
2 Article 6.3 of the Statute, is individually criminally responsible for  
3 the crimes alleged below:

4 ~~X~~ Count 11: Conscripting or enlisting children under the age of 15  
5 years into armed forces or groups, or using them to participate actively  
6 in hostilities, an other serious violation of international humanitarian  
7 law, punishable under Article 4.c of the Statute.

8 JUDGE ITOE: Are you guilty or not guilty?

9 II. THE ACCUSED: Not guilty, my Lordship. ✓

10 THE REGISTRAR: Not guilty, My Lord.

11 JUDGE ITOE: Yes, I've heard him. Go ahead.

12 THE REGISTRAR: Count 12: Abductions and Forced Labor.

13 47. At all times relevant to this Indictment, AFRC/RUF engaged  
14 in widespread and large-scale abductions and used of civilians -- and use  
15 of civilians as forced labor. Forced labor included domestic labor and  
16 use as diamond miners. The abductions and forced labor included, but  
17 were not limited to, the following:

18 Kenema District.

19 48. Between about 1 August 1997 and about 31 January 1998,  
20 AFRC/RUF forced an unknown number of civilians living in the District to  
21 mine for diamonds at Cyborg Pit in Tongo Field;

22 Kono District.

23 49. Between about 14 February 1998 and 30 June 1998, AFRC/RUF  
24 forces abducted hundreds of civilian men, women and children, and took  
25 them to various locations outside the District, or to locations within

KURUBOLA  
MASCIFIA  
.B.  
YIRIA

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1 the District such as AFRC/RUF camps, Tombodu, Koidu, Wonedu, Tomendeh.  
 2 At these locations the civilians were used as forced labor, including  
 3 domestic labor and as diamond miners in the Tombodu area;  
 4 Bombali District.

5 50. Between about 1 May 1998 and 31 July 1998, in Bombali  
 6 District, AFRC/RUF abducted an unknown number of civilians and used them  
 7 as forced labor;  
 8 Kailahun District.

KURUBELA  
MASETA  
YIRIA

9 51. At all times relevant to this Indictment, captured civilian  
 10 men, women and children were brought to various locations within the  
 11 District and used as forced labor;  
 12 Freetown.

13 52. Between 6 January 1996 --  
 14 JUDGE ITOE: 1999.

15 THE REGISTRAR: -- 1999 and 31 January 1999, in particular as the  
 16 AFRC/RUF were being driven out of Freetown, the AFRC/RUF abducted  
 17 hundreds of civilians, including a large number of children, from various  
 18 areas within Freetown, including Peacock Farm and Calaba Town. These  
 19 abducted civilians were used as forced labor.

20 By his acts or omissions in relation but not limited to these  
 21 events, Alex Tamba Brima, pursuant to Article 6.1 and, or alternatively,  
 22 Article 6.3 of the Statute, is individually criminally responsible for  
 23 the crimes alleged below:

24 \* Count 12: Enslavement, a crime against humanity, punishable  
 25 under Article 2.c of the Statute.

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1 JUDGE ITOE: Are you guilty or not guilty?

2 12. THE ACCUSED: Not guilty, My Lord. ✓

3 THE REGISTRAR: Count 13: Looting and Burning.

4 53. At all times relevant to this Indictment, AFRC/RUF engaged  
5 in widespread unlawful taking and destruction by burning of civilian  
6 property. This looting and burning included, but was not limited to, the  
7 following:

8 Bo District.

9 54. Between 1 June 1997 and 30 June 1997, AFRC/RUF forces looted  
10 and burned an unknown number of civilian houses in Telu, Sembehun,  
11 Mamboma, and Tikonko;

12 Kono District.

13 55. Between about 14 February 1998, AFRC/RUF engaged in  
14 widespread looting and burning in various locations in the District,  
15 including Tombodu, Foindu and Yardu Sando, where virtually every home in  
16 the village was looted and burned;

17 Bombali District.

18 56. Between 1 March 1998 and 30 June 1998, AFRC/RUF forces burnt  
19 an unknown number of civilian buildings in locations such as Karina;

20 Freetown.

21 57. Between 6 January 1999 and 31 January 1999, AFRC/RUF forces  
22 engaged in widespread looting and burning throughout Freetown. The  
23 majority of houses that were destroyed were in the area of Kissy and  
24 eastern Freetown; other locations included the Fourah Bay, Uppun, State  
25 House, and Pademba Road areas of the city.

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1 By his acts or omissions in relation but not limited to these  
2 events, Alex Tamba Brima, pursuant to Article 6.1 and, or alternatively,  
3 Article 6.3 of the Statute, is individually criminally responsible for  
4 the crimes alleged below:

5 \* Count 13: Pillage, a violation of Article 3 Common to the Geneva  
6 Conventions and of Additional Protocol II, punishable under Article 3.f  
7 of the Statute.

8 JUDGE ITOE: Are you guilty or not guilty?

9 13 THE ACCUSED: Not guilty, My Lord. ✓

10 JUDGE ITOE: Hmm?

11 THE ACCUSED: Not guilty, My Lord.

12 THE REGISTRAR: Counts 14 to 17: Attacks on UNAMSIL Personnel.

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

20 By his acts or omissions in relation but not limited to these  
21 events, Alex Tamba Brima, pursuant to Article 6.1 and, or alternatively,  
22 Article 6.3 of the Statute, is individually criminally responsible for  
23 the crimes alleged below:

24 \* Count 14: Intentionally directing attacks against personnel --  
25 ✓✓ MS. CARLTON-HANCILES: Excuse me, My Lord. We are supposed to



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1 take a plea to 13.

2 JUDGE ITOE: Ms. Carlton.

3 ✓✓ MS. CARLTON-HANCILES: Yes, My Lord. We have yet to take a  
4 please to Count 13.

5 JUDGE ITOE: Yes, we should do that.

6 THE REGISTRAR: We are now coming to 14. We took his please on  
7 13.

8 JUDGE ITOE: That was -- that was on what count, Count 14?

9 THE REGISTRAR: We are moving to 14. We took his plea on 13. He  
10 pleaded to 13 already.

11 JUDGE ITOE: I think he pleaded to 13 already. You're not  
12 certain he pleaded to 13?

13 ✓ MS. CARLTON-HANCILES: No, we are only concerned that the pleas  
14 be properly taken at this stage.

15 JUDGE ITOE: Yes.

16 ✓ MS. CARLTON-HANCILES: According to your records, My Lord, if he  
17 pleaded to 13, we're much obliged.

18 JUDGE ITOE: Well, let us to be very sure that he pleaded to 13.  
19 Can we take 13 over again.

20 THE COURT REPORTER: It's in the record, My Lord.

21 JUDGE ITOE: It's in the record?

22 THE COURT REPORTER: Yes.

23 JUDGE ITOE: That he pleaded?

24 THE COURT REPORTER: Yes.

25 JUDGE ITOE: It's on the record.

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1 THE COURT REPORTER: It's on the record.

2 JUDGE ITOE: But please let us have it again on the record, Count  
3 13. Take 13 over again.

4 THE REGISTRAR: Okay.

5 \* \* Count 13: Pillage, a violation of Article 3 Common to the Geneva  
6 Conventions and of Additional Protocol II, punishable under Article 3.F  
7 of the Statute.

8 JUDGE ITOE: Are you guilty or not guilty?

9 13. THE ACCUSED: Not guilty, My Lord. ✓

10 ✓ MS. CARLTON-HANCILES: Much obliged, My Lord.

11 THE REGISTRAR: Counts 14 to 17: Attacks on UNAMSIL Personnel.

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

19 By his acts or omissions in relation but not limited to these  
20 events, Alex Tamba Brima, pursuant to Article 6.1 and, or alternatively,  
21 Article 6.3 of the Statute, is individually criminally responsible for  
22 the crimes alleged below:

23 14. \* Count 14: Intentionally directing attacks against personnel  
24 involved in the humanitarian assistance or peacekeeping mission, an other  
25 serious violation of international humanitarian law, punishable under

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1 Article 4.b of the Statute.

2 JUDGE ITOE: Are you guilty or not guilty?

3 THE ACCUSED: Not guilty, My Lord. ✓

4 THE REGISTRAR: In addition, or in the alternative:

5 \* Count 15: For the unlawful killings, murder, a crime against  
6 humanity, punishable under Article 2.a of the Statute.

7 JUDGE ITOE: Are you guilty or not guilty?

8 15. THE ACCUSED: Not guilty, My Lord. ✓

9 THE REGISTRAR: In addition, or in the alternative:

10 \* Count 16: Violence to life, health and physical or mental  
11 well-being of persons, in particular murder, a violation of Article 3  
12 Common to the Geneva Conventions and of Additional Protocol II,  
13 punishable under Article 3.a of the Statute.

14 JUDGE ITOE: Are you guilty or not guilty?

15 16. THE ACCUSED: Not guilty, My Lord. ✓

16 THE REGISTRAR: In addition, or in the alternative -- in addition  
17 or in the alternative:

18 \* Count 17: For the abductions and holding of hostage, taking of  
19 hostages, a violation of Article 3 Common to the Geneva Conventions and  
20 of Additional Protocol II, punishable under Article 3.c of the Statute.

21 Dated this --

22 JUDGE ITOE: No, no. Are you guilty or not guilty?

23 17. THE ACCUSED: Not guilty, My Lord. ✓

24 JUDGE ITOE: We've come to the end of -- yes, read it.

25 THE REGISTRAR: Dated this 3rd day of March, 2003. Freetown,

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1 Sierra Leone. David M. Crane, the Prosecutor.

2 JUDGE ITOE: Yes. May I call on -- I want to have it on record.  
3 I understand the accused to have pleaded not guilty to all the 17 counts.

4 THE ACCUSED: I'm not guilty of all. ✓

5 THE INTERPRETER: I'm not guilty of all.

6 JUDGE ITOE: And I understand that he has understood the nature  
7 of the charges preferred against him, as have been explained to him.

8 THE ACCUSED: I understand. ✓

9 THE INTERPRETER: I understand.

10 JUDGE ITOE: Yes. Have counsel for the Prosecution any  
11 observations to make at this stage?

12 MR. JOHNSON: No, Your Honour.

13 MS. CARLTON-HANCILES: Not at this stage, My Lord.

14 JUDGE ITOE: Not at this stage.

15 MS. CARLTON-HANCILES: Much obliged.

16 JUDGE ITOE: All right.

17 This matter will be stood down and it will called up later in the  
18 course of the day for the necessary orders that have to be made in  
19 relation to the pursuit of the proceedings. The matter is stood down and  
20 the accused is dispensed of any further attendance today. But if need  
21 arises, we'll obviously ask him to come.

22 ✓ MS. CARLTON-HANCILES: My Lord, may I be heard.

23 JUDGE ITOE: Yes.

24 ✓ MS. CARLTON-HANCILES: My Lord, before you identify his  
25 declaration of means made by the accused, together with the request for

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1 legal assistance, My Lord, I do not know whether it would please you to  
2 consider it either at this stage or later in the afternoon.

3 JUDGE ITOE: You are saying you're not sure of the -- he has made  
4 an application for legal assistance.

5 ✓ MS. CARLTON-HANCILES: Yes, My Lord.

6 JUDGE ITOE: And he's receiving the assistance, pending the  
7 investigations --

8 ✓ MS. CARLTON-HANCILES: Much obliged, My Lord.

9 JUDGE ITOE: -- which are being carried on by the Registrar of  
10 the court.

11 ✓ MS. CARLTON-HANCILES: Much obliged, My Lord.

12 JUDGE ITOE: This assistance he's receiving will continue until  
13 when we would have had a report on the Registrar on his investigations as  
14 to the means of the accused person.

15 ✓ MS. CARLTON-HANCILES: Much obliged, My Lord.

16 JUDGE ITOE: The assistance will continue. But whatever be the  
17 case, you can come up with any subsequent application or observation when  
18 the matter comes up later in the day.

19 ✓ MS. CARLTON-HANCILES: Much obliged, My Lord.

20 JUDGE ITOE: The matter is stood down and it will be called up  
21 again in the course of the day.

22 --- The matter was stood down at 11:34 a.m.

23 --- The matter was recalled at 1:45 p.m.

24 THE USHER: Special Court, all rise.

25 JUDGE ITOE: Please be seated. What time is it?

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1 THE REGISTRAR: Quarter to two.

2 JUDGE ITOE: As counsel will appreciate, we are coming --  
3 virtually coming to the end of the pre-trial process that has kept us  
4 here up to now. I would need to hear from counsel on both sides as to  
5 the possible dates which will be retained for the purposes of the trial.

6 I am coming to case number SCSL-2003-06-01, Alex Tamba Brima. I  
7 had as appearances for the Defence, Mrs. Carlton appearing with  
8 Mrs. Jallow and Mr. Yillah.

9 We have dispensed with the attendance of the accused persons. As  
10 far as this matter is concerned, and particularly as far as the issue of  
11 legal aid is concerned, the Court confirms any legal assistance will  
12 continue -- will continue to go on until such time that the Registrar  
13 will be ready with the results of his -- of the investigations. Because  
14 the crimes are of such a serious nature that we need -- the accused needs  
15 to have his rights to a lawyer, to a Defence counsel, to be fully  
16 protected. This is the situation.

17 Whilst we are still on this case, I do not know what your  
18 attitude is to the dates of adjournment, you know, for a possible  
19 take-off of the trial.

20 Can I hear from the Prosecution, please.

21 MR. JOHNSON: Yes, Your Honour, and I appreciate that of course  
22 it's very hard to talk about scheduling a specific trial date at this  
23 particular time. Maybe it would be most appropriate to look at a Status  
24 Conference in the near future, and then we could -- we could see then, of  
25 course, how the Defence is progressing and how the Registry has come with

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1 their means determination and where we stand on Defence counsel.

2 As I stated earlier, we still, of course, intend to proceed with  
3 our obligations for disclosure under Rule 66, but a Status Conference  
4 might be more in order.

5 JUDGE ITOE: Defence?

6 ✓MR. YILLAH: Yes, My Lord. I concur with the Prosecution in that  
7 regard, My Lord. Rule 65 bis is very clear --

8 JUDGE ITOE: The microphone is running away from you.

9 ✓MR. YILLAH: My Lord, I think Rule 65 bis is instructive on this  
10 point. I think it also states a time limit within which Your Lordship  
11 can instruct a date, and within 60 days of the Initial Appearance.

12 JUDGE ITOE: Yes, right. Well ...

13 Right, well, on the possible date of the formalities, this matter  
14 is adjourned to Friday, the 21st of March, 2003, for a ruling and a  
15 directive on the issue. This matter is adjourned to the 21st of March,  
16 2003. I have said the 21st, not the 20th.

17 ✓MS. KAH-JALLOW: At the sitting on Saturday, the 17th, you had  
18 made an order for the 20th of March. Is it understood that that is --

19 JUDGE ITOE: It is on the 21st.

20 ✓MS. KAH-JALLOW: So the 20th is no longer in operation.

21 JUDGE ITOE: No, no, I'll come back to that issue in a couple of  
22 minutes.

23 ✓MS. KAH-JALLOW: Thank you.

24 JUDGE ITOE: I'll come back to that issue.

25 ✓MS. KAH-JALLOW: As Your Lordship pleases.

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--- Whereupon the Initial Appearance adjourned at  
1:45 p.m.

SPECIAL COURT FOR SIERRA LEONE  
CERTIFIED TRUE COPY OF THE ORIGINAL  
SEEN BY ME  
MUSA D. KAMATA  
SIGNATURE: M. Kamata DATE 26/03/03



EXHIBIT 'TAB 5'  
705

**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN-SIERRA LEONE**

Before: Judge Bankole Thompson  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003.

**THE PROSECUTOR**

**Against**

**Alex Tamba Brima also known as (aka) Tamba Alex Brima aka GULLIT**

**Case No. SCSL - 2003 - 06 - PT**

And In matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

Tamba Alex Brima

- APPLICANT

And

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
applicant (accused) is presently kept in custody

- RESPONDENTS

THIS is a photocopy of the acknowledgement of service of documents on the 15<sup>th</sup> of April, 2003 referred to in paragraph (20) of the affidavit of TAMBA ALEX BRIMA sworn to at the Special Court Detention Facility in Bonthe in the Southern Province of the Republic of Sierra Leone on the 23<sup>rd</sup> day of May, 2003 and marked Exhibit "TAB 5".

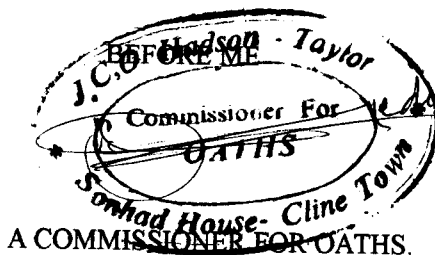


EXHIBIT "TAB 5"

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SPECIAL COURT FOR SIERRA LEONE  
JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

**COURT SERVICE – FORM 3 – PROOF OF SERVICE IN FREETOWN**

|   |  |  |  |
|---|--|--|--|
| Date:<br>15-4-03  |  | Case Names: The Prosecutor v. <u>ALEX TAMBA BRIMA</u>  |  |
|   |  | Case No.s: <u>SCSL-2003-06-I</u>   |  |
| To:<br>A:   | <input type="checkbox"/> TRIAL CHAMBER   | <input type="checkbox"/> APPEALS CHAMBER   |  |
|   | _____ copies received by:  | _____ copies received by:  |  |
|   | _____ (signature)  | _____ (signature):   |  |
|   | For onward transmission to:  | For onward transmission to:  |  |
|   | <input type="checkbox"/> Judge B. THOMPSON, Presiding<br><input type="checkbox"/> Judge ITOE<br><input type="checkbox"/> Judge BOUTET<br><input type="checkbox"/> Legal Officer<br><input type="checkbox"/> By Fax: See CS 3F Form | <input type="checkbox"/> Judge G. ROBERTSON, President<br><input type="checkbox"/> Judge R. WINTHER<br><input type="checkbox"/> Judge AYOOLA<br><input type="checkbox"/> Judge G. KING<br><input type="checkbox"/> Judge JALLOW<br><input type="checkbox"/> By Fax: See CS Form 3F |  |
| OFFICE OF THE PROSECUTOR  |  |  |  |
| <input type="checkbox"/> Trial Attorney in charge of case: _____, received by _____ |  |  |  |
| <input checked="" type="checkbox"/> DEFENSE   |  |  |  |
| <input type="checkbox"/> Accused: See CS 2 Form                                     |  |  |  |
| <input type="checkbox"/> Defence Office: _____                                      |  | <input type="checkbox"/> For onward transmission to Counsel  |  |
| <input checked="" type="checkbox"/> Counsel:  |  |  |  |
| <input type="checkbox"/> In Freetown <u>T. M. [Signature]</u> (signature)           |  | <input type="checkbox"/> Abroad: <input type="checkbox"/> By fax see CS 3F Form  |  |
| All Decisions & Imp. Public Docs:   |  | <input type="checkbox"/> Press & Public Affairs <input type="checkbox"/> Court Library   |  |
| From:   | <input type="checkbox"/> Listing Officer <input type="checkbox"/> Court Officer <input type="checkbox"/> Deputy Registrar <input checked="" type="checkbox"/> Registrar  |  |  |
| CC:   | <input type="checkbox"/> Registrar <input type="checkbox"/> Deputy Registrar <input type="checkbox"/> Chief WVSS <input type="checkbox"/> Chief of Security  |  |  |
| Subject   | Kindly find attached the following documents:  |  |  |

| Documents name   | Date Filed | Pages  |
|--|------------|--------|
| ① PROSECUTION MOTION FOR PROTECTIVE MEASURES FOR WITNESSES AND VICTIMS | 9-4-03     | 96-21  |
| ② PROSECUTION MOTION TO ALLOW DISCLOSURE                               | 9-4-03     | 218-22 |
| ③ Scheduling Order   | 10-4-03    | 225-22 |
| ④ DECISION OF REGISTRAR  | 15-4-03    | 227-22 |
| ⑤ COMMUNICATION OF DEFENCE OFFICE REGARDING ASSIGNMENT OF COUNSEL      | 15-4-03    | 229-23 |

707

**INDEX OF ATTACHMENTS -2**

708

709

**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN – SIERRA LEONE**

Before: Judge Bankole Thompson,  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003

**THE PROSECUTOR**

**Against**

**ALEX TAMBA BRIMA also known as (aka) TAMBA ALEX BRIMA  
Aka GULLIT**

CASE NO. SCSL-2003-06-PT

AND In matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

|  |   |             |
|--|---|-------------|
| Tamba Alex Brima   | - | APPLICANT   |
| And  |   |             |
| Director of Prisons of Sierra Leone and/OR the Officer<br>in charge of the Special Court Detention Facility Centre in<br>Bonthe OR any other place in Sierra Leone where the above<br>Applicant (accused) is presently kept in custody | - | RESPONDENTS |

---

**AFFIDAVIT IN SUPPORT**

---

**I, AYO MAX-DIXON** of No.25 Pownall Street Freetown in the Western Area of the Republic of Sierra Leone Managing Clerk in the office of Terence Michael Terry make Oath and say as follows:-

1. That I am the Managing Clerk in the office of Terence Michael Terry Solicitor and Counsel for the Applicant herein and I am duly authorized to make this affidavit for and on behalf of the Applicant herein.
2. That I have seen a letter dated the 30<sup>th</sup> day of April, 2003 written by Terence Michael Terry Solicitor and Counsel for the Applicant herein and addressed to Major-General T.S. Carew, Chief of Defence Staff of the Republic of Sierra Leone Armed Forces. A photocopy of the said letter of the 30<sup>th</sup> of April, 2003 is exhibited hereto by me and marked Exhibit "AMD 1".

710

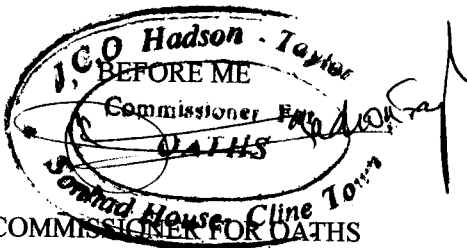
3. That I have seen a letter dated 1<sup>st</sup> May 2003 written by Lieutenant Colonel N.A. Russell of the Directorate of Defence Personnel of the Ministry of Defence Tower Hill Freetown and addressed to Mr. Terence Terry Solicitor and Counsel for the Applicant herein in response to Exhibit "AMD 1" referred to in paragraph 2 above in this my affidavit. A photocopy of the said letter of the 1<sup>st</sup> of May, 2003 is exhibited hereto by me and marked Exhibit "AMD 2".
4. That I have also seen a letter dated 2<sup>nd</sup> May, 2003 written by Terence Michael Terry Solicitor and Counsel for the Applicant herein and addressed to Lieutenant Colonel N.A. Russell of the Directorate of Defence Personnel of the Ministry of Defence Tower Hill Freetown in response to Exhibit "AMD 2" referred to in paragraph 3 above in this my affidavit. A photocopy of the said letter of the 2<sup>nd</sup> of May, 2003 is exhibited hereto by me and marked Exhibit "AMD 3".
5. That I have also seen a letter dated 5<sup>th</sup> May, 2003 written by Lieutenant Colonel N.A. Russell of the Directorate of Defence Personnel of the Ministry of Defence Tower Hill Freetown and addressed to Mr. Terence Terry Solicitor and Counsel for the Applicant herein in response to Exhibit "AMD 3" referred to in paragraph 4 above in this my affidavit. A photocopy of the said letter of the 5<sup>th</sup> of May 2003 is exhibited hereto by me and marked Exhibit "AMD 4".
6. That I have also seen a letter dated 5<sup>th</sup> May, 2003 written by Terence Michael Terry Solicitor and Counsel for the Applicant herein and addressed to Lt. Col. N.A. Russell of the Directorate of Defence Personnel of the Ministry of Defence Tower Hill Freetown. A photocopy of the said letter of the 5<sup>th</sup> of May, 2003 is exhibited hereto by me and marked Exhibit "AMD 5".
7. That I have also seen a letter dated 7<sup>th</sup> May, 2003 written by Colonel M. Koroma of the Republic of Sierra Leone Armed Forces and addressed to Mr. Terence Terry Solicitor and Counsel for the Applicant herein in response to Exhibit "AMD 5" referred to in paragraph 6 above in this my affidavit. A photocopy of the said letter of the 7<sup>th</sup> of May, 2003 is exhibited hereto by me and marked Exhibit "AMD 6".

711

- 8. That I make this affidavit in support of the orders prayed for in this application by way of Notice of Motion Ex parte date the 23<sup>rd</sup> day of May, 2003.
- 9. That the contents of this affidavit are true to the best of my knowledge, information and belief.

SWORN TO AT LAW COURTS BUILDING  
 SIAKA STEVENS STREET FREETOWN  
 ON THE 23<sup>rd</sup> DAY OF MAY 2003  
 AT 3:30 O'CLOCK IN THE PM NOON

  
 DEPONENT  
 AYO MAX-DIXON

  
 A COMMISSIONER FOR OATHS

THIS AFFIDAVIT IS FILED BY TERENCE MICHAEL TERRY OF 4<sup>TH</sup> FLOOR, MARONG HOUSE, 11 CHARLOTTE STREET, FREETOWN SOLICITOR AND COUNSEL FOR AND ON BEHALF OF THE APPLICANT HEREIN.

EXHIBIT "AMD" 1712

**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN-SIERRA LEONE**

Before: Judge Bankole Thompson  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003.

**THE PROSECUTOR**

Against

**Alex Tamba Brima also known as (aka) Tamba Alex Brima aka GULLIT**

**Case No. SCSL - 2003 - 06 - PT**

And In matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

Tamba Alex Brima

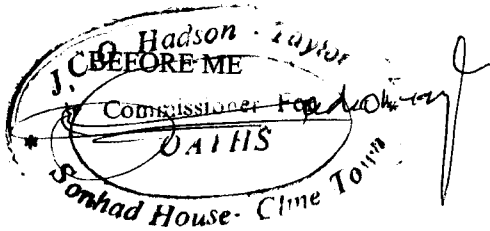
- APPLICANT

And

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
applicant (accused) is presently kept in custody

- RESPONDENTS

THIS is a photocopy of the letter dated 30<sup>th</sup> April, 2003 referred to in paragraph (2) of the affidavit of AYO MAX-DIXON, sworn to at the Law Courts Building Siaka Stevens Street Freetown on the 23<sup>rd</sup> day of May, 2003 and marked Exhibit "AMD 1".



A COMMISSIONER FOR OATHS.



EXHIBIT 'AMD' 1<sup>st</sup>

713

**TERENCE TERRY**

Barrister-at-Law & Solicitor  
Marong House, 4<sup>th</sup> Floor  
11 Charlotte Street  
Freetown, Sierra Leone

30<sup>th</sup> April, 2003

Major-General T. S. Carew  
Chief of Defence Staff  
Republic of Sierra Leone Armed Forces  
Tower Hill  
Freetown.

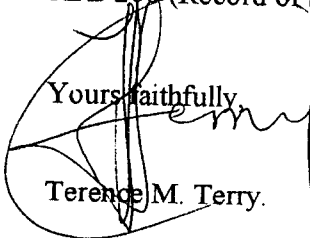
Dear Sir,

**RE: THE SPECIAL COURT FOR SIERRA LEONE – CASE NO.SCSL-2003 –  
06-1 THE PROSECUTOR AGAINST ALEX TAMBA BRIMA. ALSO  
KNOWN AS TAMBA ALEX BRIMA ALSO KNOWN AS GULLIT.**

I act on behalf of the accused in the above trial with instructions to seek certain information which can only be provided by the Republic of Sierra Leone Armed Forces. On a cursory glance at the Indictment in respect of the above Criminal Trial I have observed that in the charges preferred against the accused, reference is made to him as having joined the Sierra Leone Army (SLA) in April, 1985, and that he subsequently rose to the rank of Staff Sergeant. I understand however from the accused that it was his brother who joined the Sierra Leone Army (SLA) in April 1985 and rose to the rank of Staff Sergeant, and not himself.

It will therefore be deeply appreciated if you will be gracious enough to kindly confirm to me soonest whether the aforementioned representation made to me by my client is a true reflection of the position under your records. I refer particularly to AFB 200 (Record of Service for Ordinary Ranks).

Yours faithfully

  
Terence M. Terry.

C.c. Tamba Alex Brima  
Presently detained at the Special Court Detention  
facility in Bonthé

EXHIBIT 'AMD' 2  
714

**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN-SIERRA LEONE**

Before: Judge Bankole Thompson  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003.

**THE PROSECUTOR**

**Against**

**Alex Tamba Brima also known as (aka) Tamba Alex Brima aka GULLIT**

**Case No. SCSL - 2003 - 06 - PT**

And In matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

Tamba Alex Brima

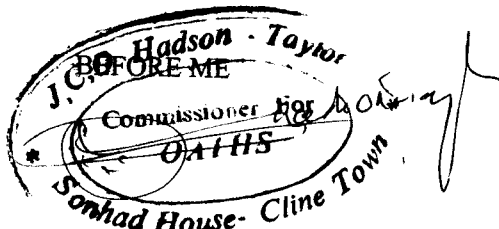
- APPLICANT

And

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
applicant (accused) is presently kept in custody

- RESPONDENTS

THIS is a photocopy of the letter dated 1<sup>st</sup> May, 2003 referred to in paragraph (3) of the affidavit of AYO MAX-DIXON, sworn to at the Law Courts Building Siaka Stevens Street Freetown on the 23<sup>rd</sup> day of May, 2003 and marked Exhibit "AMD2".



A COMMISSIONER FOR OATHS.

EXHIBIT "AMD"

2'  
0  
715

From: Lieutenant Colonel N A Russell AGC (SPS)



Ministry of Defence  
Tower Hill  
Freetown  
Sierra Leone

Tel: (00232) 22 292929 Ext 133  
Mob: (00232) 76 610225  
Fax: (00232) 22 292929 Ext 259

D/MOD/NAR/DO/015/03

Mr T Terry  
Barrister at Law & Solicitor  
4<sup>th</sup> Floor Marong House  
11 Charlotte Street  
Freetown  
Sierra Leone

1 May 2003

Dear Mr Terry

**REQUEST FOR CLARIFICATION OF INFORMATION**

References:

- A. Your unreferenced letter to Major General T S Carew dated 30 April 2003.
- B. Telecon Russell / Terry of 1 May 2003.

1. The receipt of Reference A is acknowledged and as explained at Reference B I have been tasked to try and facilitate the requested information on behalf of CDS. However, as also explained at Reference B it would greatly aid our enquiries if you could clarify certain points and supply more detailed information in certain areas. As I explained all of the archived military records are kept chronologically by their unique identifier which is the military number allocated on enlistment. They are not kept alphabetically. Therefore, the more information you have about an individual and in particular their military identification number, then the easier it is to carry out the search and establish whether a record exists or not.

2. Taking the above into consideration and as discussed at Reference B could you please provide the following:

a. The full name and initials of the brother that is alleged to have joined the SLA in 1995. If at all possible it would really help to be provided with the military number that was allocated at the time of his enlistment as well.

b. Clarification as to whether Alex Tamba Brima (or Tamba Alex Brima also known as Gullit) did not join the SLA at all or did not join in 1985 when

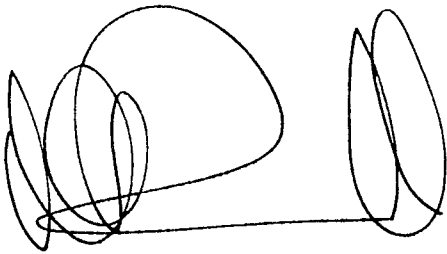
716

the brother did, or did join at another time. If that is the case then when did he join and what rank he did attain.

c. Any other information that you believe may help us to find the relevant records, for as also explained at Reference B, the archive records for non commissioned officers dating back that far are particularly poor. You should also be aware that just because a record of service does not currently exist, it does not automatically follow that someone did not serve, as many military records were destroyed during the civil war.

d. Clarification of the timeframe in which the information is required.

3. Your help and support will be much appreciated as it will aid us to carry out our search for the information that you require.

Yours Sincerely  


Copy to:

CDS  
ACDS Sp & Log  
D Def Pers

EXHIBIT AMD 3

717

**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN-SIERRA LEONE**

Before: Judge Bankole Thompson  
Designated Judge  
Registrar: Robin Vincent  
Date Filed: 2003.

**THE PROSECUTOR**

Against

**Alex Tamba Brima also known as (aka) Tamba Alex Brima aka GULLIT**

**Case No. SCSL - 2003 - 06 - PT**

And In matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:  
Tamba Alex Brima - APPLICANT  
And  
Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
applicant (accused) is presently kept in custody - RESPONDENTS

THIS is a photocopy of the letter dated 2<sup>nd</sup> May, 2003 referred to in paragraph (4) of the affidavit of AYO MAX-DIXON sworn to at the Law Courts Building Siaka Stevens Street Freetown on the 23<sup>rd</sup> day of May, 2003 and marked Exhibit "AMD 3".

*J. Hadson Taylor*  
BEFORE ME  
Commissioner For  
OATHS  
*[Signature]*  
Sonhad House - Close Town

A COMMISSIONER FOR OATHS.

EXHIBIT AM 1 3<sup>n</sup>  
718

**TERENCE TERRY**

Barrister-at-Law & Solicitor  
Marong House, 4<sup>th</sup> Floor  
11 Charlotte Street  
Freetown, Sierra Leone

2<sup>nd</sup> May, 2003.

Lt. Col. N.A. Russell  
SOI D Def Pers  
Directorate of Defence Personnel  
MOD  
Tower Hill  
Freetown.

Dear Lt. Col. Russell,

RE: **REQUEST FOR CLARIFICATION OF INFORMATION**

I acknowledge with thanks your prompt response of 1<sup>st</sup> May, 2003 to my letter of the 30<sup>th</sup> day of April, 2003 addressed to Major-General T. S. Carew.

I am pleased to inform you that the name of the brother of the accused is Staff Sergeant Brima T who I understand is a member of the Sierra Leone Army (SLA) with the number 1869-3980.

In the light of the afore-mentioned details, would you be gracious enough to now confirm to me that Brima T who carries SLA Number 1869-3980 is indeed the person who joined the Sierra Leone Army (SLA) in April, 1985 and rose to the rank of Staff Sergeant.

Yours sincerely,

  
Terence M. Terry.

Cc: Tamba Alex Brima  
Presently detained at the Special Court  
Detention Facility in Bonthe

Telephone & Fax: Freetown 232-22- 222605  
Phones Direct: 232-22-226662/232-22-229972 – Telephone (Home) Freetown: 238021

EXHIBIT 'AMD 4'

719

**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN-SIERRA LEONE**

Before: Judge Bankole Thompson  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003.

**THE PROSECUTOR**

**Against**

**Alex Tamba Brima also known as (aka) Tamba Alex Brima aka GULLIT**

**Case No. SCSL – 2003 – 06 – PT**

And In matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

Tamba Alex Brima

- APPLICANT

And

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
applicant (accused) is presently kept in custody

- RESPONDENTS

THIS is a photocopy of the letter dated 5<sup>th</sup> May, 2003 referred to in paragraph (5) of the affidavit of AYO MAX-DIXON, sworn to at the Law Courts Building Siaka Stevens Street Freetown on the 23<sup>rd</sup> day of May, 2003 and marked Exhibit "AMD4".

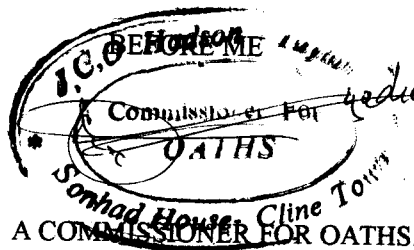


EXHIBIT 'AMD' 4  
720

From: Lieutenant Colonel N A Russell AGC (SPS)



Ministry of Defence  
Tower Hill  
Freetown  
Sierra Leone

Tel: (00232) 22 292929 Ext 133

Mob: (00232) 76 610225

Fax: (00232) 22 292929 Ext 259

D/MOD/NAR/DO/016/03

Mr T Terry  
Barrister at Law & Solicitor  
4<sup>th</sup> Floor Marong House  
11 Charlotte Street  
Freetown  
Sierra Leone

5 May 2003

Dear Mr Terry

**REQUEST FOR FURTHER CLARIFICATION OF INFORMATION**  
**MILITARY IDENTIFICATION NUMBER 1869-3980**

Reference:

- A. Your unreferenced letter to me dated 2 May 2003.
- B. Telecon Terry / Russell of 2 May 2003.

1. The receipt of Reference A is acknowledged, as is your requirement at Reference B, for the relevant information to be obtained as quickly as possible. However, the military personnel number you provided does not, and to the best of our knowledge, has never existed. Could a typing error have occurred, as it is more likely that the number starts 1816 rather than 1869? If that is the case then can you please confirm if the number should be 1816 3980 or 1816 9398, or if it is some other similar number.

2. Your further help and clarification will be much appreciated as it will aid us to carry out our search for the information that you require.

Copy to:

CDS  
ACDS Sp & Log  
D Def Pers

Yours Sincerely



EXHIBIT "AMD 5"

721

**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN-SIERRA LEONE**

Before: Judge Bankole Thompson  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003.

**THE PROSECUTOR**

**Against**

**Alex Tamba Brima also known as (aka) Tamba Alex Brima aka GULLIT**

**Case No. SCSL - 2003 - 06 - PT**

And In matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

Tamba Alex Brima

- APPLICANT

And

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
applicant (accused) is presently kept in custody

- RESPONDENTS

THIS is a photocopy of the letter dated 5<sup>th</sup> May, 2003 referred to in paragraph (6) of the affidavit of AYO MAX-DIXON sworn to at the Law Courts Building Siaka Stevens Street Freetown on the 23<sup>rd</sup> day of May, 2003 and marked Exhibit "AMD 5".

*Hadson T...*  
BEFORE ME  
Commissioner for Oaths  
\* Sonhad House - Cline T...

A COMMISSIONER FOR OATHS.

EXHIBIT 'AMD

5  
722

**TERENCE TERRY**

Barrister-at-Law & Solicitor  
Marong House, 4<sup>th</sup> Floor  
11 Charlotte Street  
Freetown, Sierra Leone

5<sup>th</sup> May, 2003.

Lt. Col. N.A. Russell  
SOI D Def Pers  
Directorate of Defence Personnel  
MOD  
Tower Hill  
Freetown.

Dear Lt. Col. Russell,

RE: **REQUEST FOR FURTHER CLARIFICATION OF INFORMATION**  
**MILITARY IDENTIFICATION NUMBER 1869-3980**

Thanks for your letter of 5<sup>th</sup> May, 2003 and your observations. From the look of things I may have inadvertently quoted the wrong number of Brima T. You may therefore in your wisdom use the number 1816 3980 OR 1816 9398 OR any other similar number to confirm the information I am seeking, provided it synchronizes with the name Brima T. OR any other Military Personnel carrying the surname of Brima who entered the Military in 1985 and rose to the position of Staff Sergeant.

Once more thanks immensely for your prompt attention.

With thanks.

Yours truly,

Terence M. Terry.

Cc: Tamba Alex Brima  
Presently detained at the Special Court  
Detention Facility in Bonthe

EXHIBIT AMD 6

6  
723

**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN-SIERRA LEONE**

Before: Judge Bankole Thompson  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003.

**THE PROSECUTOR**

**Against**

**Alex Tamba Brima also known as (aka) Tamba Alex Brima aka GULLIT**

**Case No. SCSL - 2003 - 06 - PT**

And In matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

Tamba Alex Brima

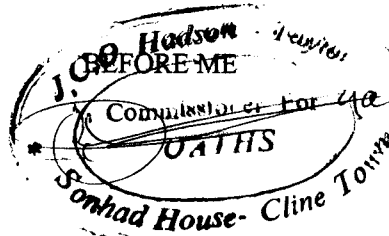
- APPLICANT

And

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
applicant (accused) is presently kept in custody

- RESPONDENTS

THIS is a photocopy of the letter dated 7<sup>th</sup> May, 2003 referred to in paragraph (7) of the affidavit of AYO MAX-DIXON sworn to at the Law Courts Building Siaka Stevens Street Freetown on the 23<sup>rd</sup> day of May, 2003 and marked Exhibit "AMD 6".



A COMMISSIONER FOR OATHS.

EXHIBIT "A MD 6"  
724

From: Colonel M Koroma RSLAF



Ministry of Defence  
Tower Hill  
Freetown  
Sierra Leone

Tel: (00232) 22 292929 Ext 108  
Mob: (00232) 76 604104  
Fax: (00232) 22 292929 Ext 259

D/MOD/1001/3

Mr T Terry  
Barrister at Law & Solicitor  
4<sup>th</sup> Floor Marong House  
11 Charlotte Street  
Freetown  
Sierra Leone

07 May 2003

Dear Mr Terry

**RESPONSE TO REQUEST FOR INFORMATION**  
**18163980 SSGT BRIMA T**

Reference:

- A. Your unreferenced letter to Lt Col NA Russell dated 5 May 2003.
  - B. Our D/MOD/1003/3 dated 6 May 03.
1. The receipt of Reference A was acknowledged by, and a search instigated by Reference B. From the records held the results of that search are as follows:
    - The military identification number 18163980 relates to a soldier recorded as SSgt Brima T.
    - He enlisted into the then SLA on 9 Apr 1985.
    - His Date of Birth is recorded as 16 Apr 1966.
    - He was promoted to the rank of SSgt on 1 Oct 2001.
  2. You are reminded that such personnel information is not normally released to third parties without either a court order or the written consent of the individual concerned. However, the pressing need for this information is well understood and thus on this occasion only, the information is provided in the good faith that it will be used carefully and not disclosed to any other outside agencies without our prior knowledge and formal written agreement.

725

3. It is hoped that the above information will prove helpful.

Yours faithfully  
D. J. [Signature]

Copy to:

CDS  
ACDS Sp & Log  
D Def Cts & Plans  
D Def Pers

**INDEX OF ATTACHMENTS -3**

726

**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN – SIERRA LEONE**

727

Before: Judge Bankole Thompson,  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003

**THE PROSECUTOR  
Against  
ALEX TAMBA BRIMA also known as (aka) TAMBA ALEX BRIMA  
Aka GULLIT**

CASE NO. SCSL-2003-06-PT

AND In the matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

Tamba Alex Brima - APPLICANT

And

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
Applicant (accused) is presently kept in custody - RESPONDENTS

---

**DRAFT OF ORDER FOR LEAVE TO ISSUE THE WRIT OF HABEAS  
CORPUS ad Subjiciendum**

---

TO: THE REGISTRAR  
SPECIAL COURT FOR SIERRA LEONE  
JOMO KENYATTA ROAD  
NEW ENGLAND  
FREETOWN

**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN – SIERRA LEONE**

728

**THE PROSECUTOR**

**Against**

**ALEX TAMBA BRIMA also known as (aka) TAMBA ALEX BRIMA  
Aka GULLIT**

CASE NO. SCSL-2003-06-PT

AND In matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

Tamba Alex Brima - APPLICANT

**And**

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
Applicant (accused) is presently kept in custody - RESPONDENTS

**SITTING AS JUDGE BANKOLE THOMPSON**, designated by the President of the Special Court according to Rule 28 of the Rules of Procedure and Evidence of the Special Court (“the Rules”).

**CONSISTENT WITH RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE OF THE SPECIAL COURT FOR SIERRA LEONE** and having regard to the Habeas Corpus Acts of 1640 and 1816.

**AND UPON HEARING TERENCE MICHAEL TERRY** Counsel for the Applicant herein Tamba Alex Brima on a Notice of Motion dated the 23<sup>rd</sup> day of May, 2003, AND UPON Reading the supporting affidavits of the applicant Tamba Alex Brima sworn to on the 23<sup>rd</sup> day of May 2003 at 10:45 o'clock in the forenoon and that sworn to by Ayo Max-Dixon on the 23<sup>rd</sup> day of May 2003 a 3:30 o'clock in the afternoon with their respective exhibits and upon hearing the Prosecuting Counsel.....Esq..

...../2...



729

**IT IS ORDERED as follows:**

- (1) That leave is hereby granted to the applicant herein for the issue of a Writ of Habeas Corpus ad subjiciendum directed to the Respondents herein to have the body of Tamba Alex Brima herein presently detained at the Special Court Detention Facility in Bonthe in the Southern Province of the Republic of Sierra Leone since the 20<sup>th</sup> day of March, 2003 against his will and to be brought immediately before Judge Bankole Thompson OR the Trial Chamber of the Special Court for Sierra Leone to undergo and receive all and such matters and things as the said Judge Bankole Thompson OR the Trial Chamber of the Special Court for Sierra Leone shall then and there consider of and concerning him on this behalf and for them to show cause why he should NOT be released from detention.

RETURNABLE on the            day of            2003

Done in Freetown (OR Bonthe as the case may be)

BY THE COURT

Signed: Judge Bankole Thompson Presiding  
Judge of the Trial Chamber.

DATED THE            DAY OF            2003

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**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN – SIERRA LEONE**

Before: Judge Bankole Thompson,  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003

**THE PROSECUTOR  
Against  
ALEX TAMBA BRIMA also known as (aka) TAMBA ALEX BRIMA  
Aka GULLIT**

CASE NO. SCSL-2003-06-PT

AND In the matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

Tamba Alex Brima

- APPLICANT

And

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above

Applicant (accused) is presently kept in custody - RESPONDENTS

---

**DRAFT WRIT OF HABEAS CORPUS AD SUBJICIENDUM**

---

We command you that you have before the Trial Chamber or Single Judge of the Special Court for Sierra Leone at Bonthe OR in Freetown immediately after the receipt of this Writ, the body of TAMBA ALEX BRIMA being taken and detained under your custody as is said, together with the day and cause of his being taken and detained, by whatsoever name he may be called therein, to undergo and receive all and singular such matters and things as the Trial Chamber or Single Judge shall then and there consider of concerning him in this behalf, and have you there then this our Writ.

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WITNESS:..... Judge of the Special Court for Sierra Leone the ..... Day of May, 2003.

RETURNABLE on the            day of            2003

Done in Freetown (OR Bonthe as the case may be)

BY THE COURT

Signed: Judge Bankole Thompson Presiding  
Judge of the Trial Chamber.

DATED THE            DAY OF            2003

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**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN – SIERRA LEONE**

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Before: Judge Bankole Thompson,  
Designated Judge

Registrar: Robin Vincent

Date Filed: 2003

**THE PROSECUTOR  
Against  
ALEX TAMBA BRIMA also known as (aka) TAMBA ALEX BRIMA  
Aka GULLIT**

CASE NO. SCSL-2003-06-PT

AND In the matter for leave to issue the Writ of Habeas Corpus and the Order granting the said Writ of Habeas Corpus.

BETWEEN:

Tamba Alex Brima - APPLICANT

And

Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
Applicant (accused) is presently kept in custody - RESPONDENTS

---

**DRAFT ORDER FOR HABEAS CORPUS ad Subjiciendum**

---

TO: THE REGISTRAR  
SPECIAL COURT FOR SIERRA LEONE  
JOMO KENYATTA ROAD  
NEW ENGLAND  
FREETOWN

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**SPECIAL COURT FOR SIERRA LEONE  
FREETOWN – SIERRA LEONE**

**THE PROSECUTOR  
Against  
ALEX TAMBA BRIMA also known as (aka) TAMBA ALEX BRIMA  
Aka GULLIT**

CASE NO. SCSL-2003-06-PT

AND In matter for leave to issue the Writ of Habeas Corpus ad Subjiciendum and the Order granting the said Writ of Habeas Corpus ad Subjiciendum.

BETWEEN:  
Tamba Alex Brima - APPLICANT  
And  
Director of Prisons of Sierra Leone and/OR the Officer  
in charge of the Special Court Detention Facility Centre in  
Bonthe OR any other place in Sierra Leone where the above  
Applicant (accused) is presently kept in custody - RESPONDENTS

**SITTING AS JUDGE BANKOLE THOMPSON**, designated by the President of the Special Court according to Rule 28 of the Rules of Procedure and Evidence of the Special Court (“the Rules”).

**CONSISTENT WITH RULE 54 OF THE RULES OF PROCEDURE AND EVIDENCE OF THE SPECIAL COURT FOR SIERRA LEONE**, and having regard to the Habeas Corpus Acts of 1640 and 1816 respectively.

**AND UPON HEARING TERENCE MICHAEL TERRY** Counsel for the Applicant herein Tamba Alex Brima on a Notice of Motion dated the 23<sup>rd</sup> day of May, 2003, AND UPON Reading the supporting affidavits of the applicant Tamba Alex Brima sworn to on the 23<sup>rd</sup> day of May 2003 at 10:45 o'clock in the forenoon and that sworn to by Ayo Max-Dixon on the 23<sup>rd</sup> day of May 2003 at 3:30 o'clock in the afternoon with their respective exhibits and upon hearing the Respondents.

**IT IS ORDERED as follows:**

- (1) That the Writ of Habeas Corpus ad Subjiciendum is hereby granted.
- (2) That the Applicant herein Tamba Alex Brima is hereby released from unlawful custody at the Special Court Detention Facility in Bonthe forthwith OR any other place where he is presently held in detention in the Republic of Sierra Leone.

RETURNABLE on the            day of            2003

Done in Freetown (OR Bonthe as the case may be)

**BY THE COURT**  
Signed: Judge Bankole Thompson President  
Judge of the Trial Chamber.

DATED THE            DAY OF            2003

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## 28. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 1966

This was adopted at the same time as the last Covenant, and entered into force on 23 March 1976; see General Assembly Resolution 2200A (XXI), UN doc. A/6316 (1966). For the text in various languages, see 999 UNTS 171; UK Treaty Series No. 6 (1977); Cmnd. 6702.

With respect to inter-State complaints under the optional procedure provided for in Article 41, there is an overlap with the procedure under the European Convention on Human Rights, below. However, unlike its European counterpart, the Covenant provision has not so far been employed.

Generally, see Joseph, S., Schultz, J., & Castan, M., *The International Covenant on Civil and Political Rights, Cases, Materials, and Commentary* (2000); Nowak, M., *UN Covenant on Civil and Political Rights, CCPR Commentary* (1990); Opsahl, T. 'The Human Rights Committee,' in Alston, P. (ed.), *The United Nations and Human Rights* (1992), 369-443; Schwelb, E., 'Civil and Political Rights: The International Measures of Implementation', 62 *AJIL* 827-68 (1968).

### TEXT

#### Preamble

*The States Parties to the present Covenant,*

*Considering* that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

*Recognizing* that these rights derive from the inherent dignity of the human person,

*Recognizing* that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

*Considering* the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

*Realizing* that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

*Agree* upon the following articles:

### PART I

#### Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.



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2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

## PART II

### *Article 2*

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

### *Article 3*

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

### *Article 4*

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under

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international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

#### *Article 5*

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.

2. There shall be no restriction upon or derogation from any of the fundamental human rights recognized or existing in any State Party to the present Covenant pursuant to law, conventions, regulations or custom on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

### PART III

#### *Article 6*

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.

3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

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*Article 7*

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

*Article 8*

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labour;
  - (b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;
  - (c) For the purpose of this paragraph the term 'forced or compulsory labour' shall not include:
    - (i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
    - (ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
    - (iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
    - (iv) Any work or service which forms part of normal civil obligations.

*Article 9*

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.
4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.
5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

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Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;  
 (b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.
3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.
4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

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2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
  - (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
  - (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
  - (c) To be tried without undue delay;
  - (d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
  - (e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
  - (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
  - (g) Not to be compelled to testify against himself or to confess guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

#### Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of the lighter penalty, the offender shall benefit thereby.
2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

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*Article 16*

Everyone shall have the right to recognition everywhere as a person before the law.

*Article 17*

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

*Article 18*

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.
2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

*Article 19*

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others;
  - (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.

*Article 20*

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

*Article 21*

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law.

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and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

*Article 22*

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

*Article 23*

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

*Article 24*

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.

*Article 25*

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by

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universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

*Article 26*

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

*Article 27*

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

#### PART IV

*Article 28*

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.
2. The Committee shall be composed of nationals of the States Parties to the present Covenant who shall be persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience.
3. The members of the Committee shall be elected and shall serve in their personal capacity.

*Article 29*

1. The members of the Committee shall be elected by secret ballot from a list of persons possessing the qualifications prescribed in Article 28 and nominated for the purpose by the States Parties to the present Covenant.
2. Each State Party to the present Covenant may nominate not more than two persons. These persons shall be nationals of the nominating State.
3. A person shall be eligible for renomination.

*Article 30*

1. The initial election shall be held no later than six months after the date of the entry into force of the present Covenant.
2. At least four months before the date of each election to the Committee, other than an election to fill a vacancy declared in accordance with Article 34, the Secretary-General of the United Nations shall address a written invitation to the



States Parties to the present Covenant to submit their nominations for membership of the Committee within three months.

3. The Secretary-General of the United Nations shall prepare a list in alphabetical order of all the persons thus nominated, with an indication of the States Parties which have nominated them, and shall submit it to the States Parties to the present Covenant no later than one month before the date of each election.

4. Elections of the members of the Committee shall be held at a meeting of the States Parties to the present Covenant convened by the Secretary-General of the United Nations at the Headquarters of the United Nations. At that meeting, for which two thirds of the States Parties to the present Covenant shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

#### *Article 31*

1. The Committee may not include more than one national of the same State.
2. In the election of the Committee, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems.

#### *Article 32*

1. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these nine members shall be chosen by lot by the Chairman of the meeting referred to in Article 30, paragraph 4.
2. Elections at the expiry of office shall be held in accordance with the preceding articles of this part of the present Covenant.

#### *Article 33*

1. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, the Chairman of the Committee shall notify the Secretary-General of the United Nations, who shall then declare the seat of that member to be vacant.
2. In the event of the death or the resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

#### *Article 34*

1. When a vacancy is declared in accordance with Article 33 and if the term of office of the member to be replaced does not expire within six months of the declaration of the vacancy, the Secretary-General of the United Nations shall notify each of the States Parties to the present Covenant, which may within two months submit nominations in accordance with Article 29 for the purpose of filling the vacancy.

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2. The Secretary-General of the United Nations shall prepare a list in alphabetical order of the persons thus nominated and shall submit it to the States Parties to the present Covenant. The election to fill the vacancy shall then take place in accordance with the relevant provisions of this part of the present Covenant.
3. A member of the Committee elected to fill a vacancy declared in accordance with Article 33 shall hold office for the remainder of the term of the member who vacated the seat on the Committee under the provisions of that article.

*Article 35*

The members of the Committee shall, with the approval of the General Assembly of the United Nations, receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide, having regard to the importance of the Committee's responsibilities.

*Article 36*

The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Covenant.

*Article 37*

1. The Secretary-General of the United Nations shall convene the initial meeting of the Committee at the Headquarters of the United Nations.
2. After its initial meeting, the Committee shall meet at such times as shall be provided in its rules of procedure.
3. The Committee shall normally meet at the Headquarters of the United Nations or at the United Nations Office at Geneva.

*Article 38*

Every member of the Committee shall, before taking up his duties, make a solemn declaration in open committee that he will perform his functions impartially and conscientiously.

*Article 39*

1. The Committee shall elect its officers for a term of two years. They may be re-elected.
2. The Committee shall establish its own rules of procedure, but these rules shall provide, *inter alia*, that:
  - (a) Twelve members shall constitute a quorum;
  - (b) Decisions of the Committee shall be made by a majority vote of the members present.

*Article 40*

1. The States Parties to the present Covenant undertake to submit reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made in the enjoyment of those rights:
  - (a) Within one year of the entry into force of the present Covenant for the States Parties concerned;

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- (b) Thereafter whenever the Committee so requests.
2. All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit them to the Committee for consideration. Reports shall indicate the factors and difficulties, if any, affecting the implementation of the present Covenant.
  3. The Secretary-General of the United Nations may, after consultation with the Committee, transmit to the specialized agencies concerned copies of such parts of the reports as may fall within their field of competence.
  4. The Committee shall study the reports submitted by the States Parties to the present Covenant. It shall transmit its reports, and such general comments as it may consider appropriate, to the States Parties. The Committee may also transmit to the Economic and Social Council these comments along with the copies of the reports it has received from States Parties to the present Covenant.
  5. The States Parties to the present Covenant may submit to the Committee observations on any comments that may be made in accordance with paragraph 4 of this article.

#### *Article 41*

1. A State Party to the present Covenant may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Covenant. Communications under this article may be received and considered only if submitted by a State Party which has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
  - (a) If a State Party to the present Covenant considers that another State Party is not giving effect to the provisions of the present Covenant, it may, by written communication, bring the matter to the attention of that State Party. Within three months after the receipt of the communication the receiving State shall afford the State which sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending, or available in the matter;
  - (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;
  - (c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged;
  - (d) The Committee shall hold closed meetings when examining communications under this article;

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- (e) Subject to the provisions of subparagraph (c), the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of respect for human rights and fundamental freedoms as recognized in the present Covenant;
  - (f) In any matter referred to it, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;
  - (g) The States Parties concerned, referred to in subparagraph (b), shall have the right to be represented when the matter is being considered in the Committee and to make submissions orally and/or in writing;
  - (h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b), submit a report:
    - (i) If a solution within the terms of subparagraph (e) is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
    - (ii) If a solution within the terms of subparagraph (e) is not reached, the Committee shall confine its report to a brief statement of the facts; the written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. In every matter the report shall be communicated to the States Parties concerned.
2. The provisions of this article shall come into force when ten States Parties to the present Covenant have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article; no further communication by any State Party shall be received after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

#### Article 42

1. (a) If a matter referred to the Committee in accordance with Article 41 is not resolved to the satisfaction of the States Parties concerned, the Committee may, with the prior consent of the States Parties concerned, appoint an ad hoc Conciliation Commission (hereinafter referred to as the Commission). The good offices of the Commission shall be made available to the States Parties concerned with a view to an amicable solution of the matter on the basis of respect for the present Covenant;
  - (b) The Commission shall consist of five persons acceptable to the States Parties concerned. If the States Parties concerned fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission concerning whom no agreement has been reached shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its members.
2. The members of the Commission shall serve in their personal capacity. They

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- shall not be nationals of the States Parties concerned, or of a State not Party to the present Covenant, or of a State Party which has not made a declaration under Article 41.
3. The Commission shall elect its own Chairman and adopt its own rules of procedure.
  4. The meetings of the Commission shall normally be held at the Headquarters of the United Nations or at the United Nations Office at Geneva. However, they may be held at such other convenient places as the Commission may determine in consultation with the Secretary-General of the United Nations and the States Parties concerned.
  5. The secretariat provided in accordance with Article 36 shall also service the commissions appointed under this article.
  6. The information received and collated by the Committee shall be made available to the Commission and the Commission may call upon the States Parties concerned to supply any other relevant information.
  7. When the Commission has fully considered the matter, but in any event not later than twelve months after having been seized of the matter, it shall submit to the Chairman of the Committee a report for communication to the States Parties concerned:
    - (a) If the Commission is unable to complete its consideration of the matter within twelve months, it shall confine its report to a brief statement of the status of its consideration of the matter;
    - (b) If an amicable solution to the matter on the basis of respect for human rights as recognized in the present Covenant is reached, the Commission shall confine its report to a brief statement of the facts and of the solution reached;
    - (c) If a solution within the terms of subparagraph (b) is not reached, the Commission's report shall embody its findings on all questions of fact relevant to the issues between the States Parties concerned, and its views on the possibilities of an amicable solution of the matter. This report shall also contain the written submissions and a record of the oral submissions made by the States Parties concerned;
    - (d) If the Commission's report is submitted under subparagraph (c), the States Parties concerned shall, within three months of the receipt of the report, notify the Chairman of the Committee whether or not they accept the contents of the report of the Commission.
  8. The provisions of this article are without prejudice to the responsibilities of the Committee under Article 41.
  9. The States Parties concerned shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.
  10. The Secretary-General of the United Nations shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States Parties concerned, in accordance with paragraph 9 of this article.

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*Article 43*

The members of the Committee, and of the ad hoc conciliation commissions which may be appointed under Article 42, shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

*Article 44*

The provisions for the implementation of the present Covenant shall apply without prejudice to the procedures prescribed in the field of human rights by or under the constituent instruments and the conventions of the United Nations and of the specialized agencies and shall not prevent the States Parties to the present Covenant from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

*Article 45*

The Committee shall submit to the General Assembly of the United Nations, through the Economic and Social Council, an annual report on its activities.

## PART V

*Article 46*

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

*Article 47*

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

## PART VI

*Article 48*

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a Party to the present Covenant.
2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States which have signed this Covenant or acceded to it of the deposit of each instrument of ratification or accession.

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*Article 49*

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.
2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

*Article 50*

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

*Article 51*

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General of the United Nations shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.
2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

*Article 52*

Irrespective of the notifications made under Article 48, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

- (a) Signatures, ratifications and accessions under Article 48;
- (b) The date of the entry into force of the present Covenant under Article 49 and the date of the entry into force of any amendments under Article 51.

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*Article 53*

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in Article 48.