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SCSL-2004-16-PT
(590 - 612)

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**SPECIAL COURT FOR
SIERRA LEONE**

Case No. SCSL-2004-16-PT

Before: Judge Bankole Thompson, Presiding
Judge Benjamin Mutanga Itoe
Judge Pierre Boutet

Registrar: Robin Vincent

Date filed: March 19, 2004

THE PROSECUTOR

against

SANTIGIE BORBOR KANU

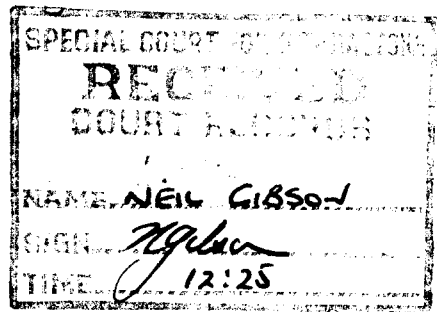
**KANU – MOTION TO REQUEST AN ORDER UNDER RULE 54
WITH RESPECT TO EXCULPATORY EVIDENCE**

Office of the Prosecutor:

Defense Counsel:

Luc Coté
Robert Petit
Paul Flynn
Abdul Tejan-Cole
Boi Tia-Stevens
Christopher Santora
Sharan Parmar
Sigall Horovitz

Geert-Jan Alexander Knoops, Lead Counsel
Carry J. Knoops, Co-Counsel
J.O.D. Cole, Co-Counsel
A.E. Manly-Spain, Co-Counsel



I INTRODUCTION

1. Pursuant to Rule 54 of the Rules of Procedure and Evidence (“**Rules**”), the defense of Mr. Santigie Borbor Kanu (“**Defense**”) respectfully prays the Trial Chamber for an order to require the governmental authorities of, *inter alia*, Cockerill Army Headquarters to release exculpatory information and evidence to the Defense.
2. In the Defense Notes for Status Conference (“**Defense Notes**”) which were provided to the President of the Trial Chamber preceding the Status Conference of March 8 last, the Defense already indicated its intent to file the current Motion.

II BACKGROUND AND RELEVANCE OF A RULE 54 MOTION: COMPLIANCE WITH RULE 67(A)(ii)(a)

3. According to Rule 67(A)(ii)(a), the Defense has an obligation to notify the Prosecution of any intention to call evidence of an alibi, in which event this notification must specify, the place at which the Accused was at the time of the allegations. The Defense wishes to fulfil this obligation, albeit that certain information to fully establish this alibi defense is still in the possession of governmental officials of Sierra Leone. Although the Defense is able to establish a *prima facie* case for the acceptance of this defense, it deems it in the interest of the investigation and preparation of the case that the latter information is disclosed to the parties.
4. With respect to this *prima facie* case, the Defense refers to materials that indicate that the Accused could not reasonably have been involved in the alleged crimes as mentioned under Counts 14 – 17 due to, in short, his incarceration at Cockerill Army Headquarters with respect to a shooting incident that took place at Juba Hill earlier.
5. According to Rule 67(A)(ii)(a) of the Rules, the Defense shall notify the Prosecution of its intent to enter “[t]he defence of an alibi; in which case the notification shall specify the place or places at which the accused claims to have been present at the time of the alleged crime and the names and addresses of witnesses and any other evidence upon which the accused intends to rely to establish the alibi.”
6. In its Defense Notes, the Defense already indicated its intention to invoke such alibi defense with regard to Counts 14 – 17 of the Indictment, namely the alleged attack on UNAMSIL personnel (see para. 80 of the Consolidated Indictment).
7. However, in order to additionally this invocation, further information from Cockerill Army Headquarters is required, the retrieval thereof is not deemed possible without an order of the Trial Chamber sought.

III INFORMATION ALREADY OBTAINED BY THE DEFENSE

8. The investigator of the Defense Team, Mr. Sima Paul Kamara, was directed by the Defense to conduct investigation into this potential alibi. Based on several investigative activities in the period of February/March 2004, Mr. Kamara was able to file an investigation report in respect of the establishment of this alibi, which report of March 12, 2004, is attached as **exhibit 1** to this Pre-Trial Brief. On the last page of this report, the investigator concludes that “(...) *now (is) established that the indictee was indeed incarcerated at the Cockerill Army Headquarters from 13 June to 1 December 2000.*” Notably, attached to the letter of Mr. Kamara goes a copy of the particular register of the military authorities from which this period can be deduced. However, the original register is at the seat of the authorities at Cockerill.

IV INFORMATION NECESSARY FOR INVESTIGATION AND PREPARATION OF THE TRIAL

9. In view of Section V below, this Motion intends to seek an order from the Trial Chamber in which the national authorities are directed to provide all documents available which may substantiate the fact that the Accused reasonably could not have committed the charges against UNAMSIL personnel under Counts 14 – 17, more specifically those allegedly committed within Bombali, Kailahun, Kambia, Port Loko and Kono districts.
10. Two sorts of information are deemed necessary for a proper preparation of the trial the disclosure of which is also in the interest of justice:
 - (i) Official verification of the detention of the Accused in the period of June 13 to December 1, 2000;
 - (ii) Official verification of the location at which the Accused was engaged in his capacity as military serviceman in the period April 15 – June 13, 2000.

Ad (i) – Detention of the Accused

11. With respect to this point of verification, the Defense investigator, Mr. Kamara, was able to verify abovementioned alibi due to the allowance by the respective authorities to inspect the detention register for the period of April 15 – September 15, 2000. The specific findings are enumerated on p. 5 under ad (1) – (3) of this report. The investigator, though, remarks that several investigative questions remain, the answer of which is probably prevented by “(...) *either because of their nervousness (of the military officers, GJK) of the special court or how the Sierra Leone government who is their employer and also partner in the prosecution of*

this trial will see them as, which may lead to their subsequent removal from the offices (...)."

12. The Defense draws the attention to this practical problem in obtaining exculpatory evidence and witness statements, which may endorse an inequality of arms. It is also this observation that may justify the issuance of the order pursuant to Rule 54 sought.
13. This order requested through this Motion should also extend to obtaining the so-called Commission for the Consolidation of Peace ("CCP") salary vouchers which may substantiate the fact that Mr. Kanu was working at CCP in the period of April 15 – June 12, 2000. The original vouchers are believed to be at the Ministry of Finance in Freetown (see further section ad (ii) below).
14. Furthermore, the order pursuant to Rule 54 is also sought to hear several individuals who can confirm the fact that the Accused was indeed detained in the abovementioned period. Reference is made to the following persons:
 - (i) Lieutenant-Colonel Shehe Mamoud Koroma;
 - (ii) Captain Sylvanus of the Military Police; (who conducted the investigation for the Juba Hill shooting incident) and
 - (iii) Colonel S.O. William.
15. In conclusion: the Defense interest as to verifying the purported alibi of the Accused goes without saying. In view of the probability that also the mentioned authorities are not likely to voluntarily provide statements or testimony to the Defense, this observation may merit an order of the Trial Chamber to the extent that these persons are to cooperate as to presenting materials and statements to the Defense with respect to the current investigation of the Accused's potential alibi as to the charges 14 – 17 of the Consolidated Indictment.

V REASONABLE STEPS TO OBTAIN EXCULPATORY INFORMATION

16. As observed in Section VI below, one of the elements with respect to a grant for a Rule 54 order, may be the determination of the reasonable steps the Defense has undertaken to obtain the specific information by its own means.
17. On the 9th of February, 2004, the Defense investigator, Mr. Sima Paul Kamara, was directed to conduct investigation at Cockerill Army Headquarters following a letter by Mr. J.O.D. Cole, and earlier letters sent by Mr. A.E. Manly-Spain to the CDS to grant Mr. Kamara complete and unhindered access to relevant documents and potential witnesses in relation to the detention of the Accused at Cockerill, more specifically to seek confirmation of the fact that the Accused was detained at Cockerill Army Headquarters in the period of April 15 – December 1, 2000 (these letters Mr. Manly-Spain are attached as **exhibit 2**).

18. When the investigator went to visit the Army Headquarters, they told him they had not received abovementioned letter. Therefore, the investigator provided them with the original letter he carried with him.
19. However, when the investigator brought them another visit on, *inter alia*, March 8 and 10, he requested to have the original copy of his letter back again. In first instance they refused to give it back, but when the investigator insisted they handed the original letter back.
20. Importantly, on the original letter returned to Mr. Kamara, the following note was added in writing, which reads as follows: “*Please ensure that if we have any doc/register etc. on the NCO [non-commission officer] our legal dept is aware of it. **Do not give any info** to external agencies unless sanctioned by our own SOC legal dept*”.¹ A copy of this letter is attached as **exhibit 3**.
21. This note of the local authorities, in combination with all the futile efforts of the investigator to contact the Army Headquarters and obtain the relevant data, may be indicative of the fact that the competent authorities of Cockerill Army Headquarters are unlikely to cooperate with the Defense in this respect without further superior authorization.
22. Finally, on March 16, 2004, the Defense filed with the Ministry of Finance in Freetown a request in order to provide the investigator Mr. Kamara access to the abovementioned CCP salary vouchers,² in order to establish the fact that the Accused was stationed at the CCP in the period of April 15 to June 13, 2000 (see **exhibit 4**). On the 17th of March, the former authorities (by person of the Accountant General herself, Ms. Mustafa Sheriff) referred Mr. Kamara to other junior officials of this Ministry. The latter officials were, according to Mr. Kamara, not helpful, and ultimately referred him back to the officials at Cockerill Military Headquarters.
23. Both on March 18 and 19, 2004, Mr. Kamara again went to the latter authorities with a similar request, now addressed to Major Cole (see **exhibit 5**). On the 18th of March, Mr. Kamara spoke with the *olderly* (assistant) of Major Cole at Cockerill Army Headquarters and was informed that Major Cole was not available. On the 19th of March, he returned to Cockerill and spoke to Major Koroma, legal advisor to Cockerill. Major Koroma referred Mr. Kamara to Lieutenant Colonel D.B. Sowah, assigned at AFPC (Cockerill financial department). Subsequently, Mr. Kamara introduced himself to the latter officer Sowah, who indicated that the particular original CCP-salary vouchers are at the

¹ Bold emphasis added, GJK.

² As the Accused was a government soldier, assigned by the government to CCP, the Accused received payment by the military, albeit that the word “CCP” was mentioned on the military salary voucher. As the CCP was an independent body and the Accused was being paid by the military, the word “CCP” was meant to indicate that the particular person was attached to the CCP office in Freetown.

Accountant General's of the Ministry of Finance to which office Mr. Kamara already went on March 17 and 18, 2004.

24. These facts reasonably cannot otherwise be interpreted than that:

- (a) The local authorities are apparently not willing to cooperate as to the delivery of this exculpatory material; and
- (b) Mr. Kamara, on behalf of the Defense, undertook every reasonable step as to this delivery.

Ad (ii) – Verification of Accused's Location of April 15 – June 13, 2000

25. According to the Accused, in the period of April 15 – June 13, 2000, he was not present in the districts mentioned under Counts 14 – 17, namely Bombali, Kailahun, Kambia, Port Loko and Kono districts. He claims that during this period he was serving under the army and designated to CCP located in Freetown. As of the year 2000, the Accused receives a salary from the military authorities, as being professionally attached to the chairman of the CCP. The dissipation of the salary and the existence of the CCP salary vouchers, can be confirmed by *inter alia* the following persons:

- (i) Mr. Hughes of the A.H.Q. Army Headquarters Cockerill,
- (ii) Mr. Kamagabi, Staff Sergeant (directly responsible for the payment of salary, including CCP vouchers; see below),
- (iii) Lieutenant Mr. F.A.T. Sesay (now Captain), and
- (iv) Lieutenant Colonel D.B. Sowah, Commanding Officer of AFPC (financial department of Cockerill Army Headquarters).

26. The Accused indicates that, while receiving this salary from January up to June 2000 (upon his arrest; see above), he had to sign a CCP salary voucher, which voucher may substantiate the fact described in the previous paragraph. These vouchers were apparently distributed through the CCP.

27. According to the information of the Defense, these vouchers are being kept by the Ministry of Finance and/or the authorities of the Cockerill Army Headquarters.

28. Considering the arguments set forth under the section of this Motion titled "*reasonable steps to obtain exculpatory information*", it is to be expected that these authorities will be declined to provide this information on a voluntary basis. Therefore, this situation merits an order of the Trial Chamber pursuant to Rule 54 of the Rules.

VI REFLECTIONS ON STATE COOPERATION IN INTERNATIONAL CRIMINAL LAW AND WITH THE SPECIAL COURT SPECIFICALLY

29. State cooperation goes to the heart of effectiveness of international judicial processes.³ Without the intermediary of national authorities and their cooperation, the disclosure and discovery mechanism of the international judiciary process may not function adequately. As to the system of the Special Court, this also counts for the proper application of Rule 68 of the Rules.
30. In the *Blaskic* ICTY Appeals Chamber Judgment on the Request of Croatia of October 29, 1997, a distinction was made between subpoenas and binding orders; the former are only confined to individuals acting in private capacity, while allowing binding orders only to be directed to States. Prior to obtaining from the Trial Chamber a binding order from a State directed to a State to this extent, Prosecution and/or defense should primarily pursue reasonable steps to retrieve the material sought from the domestic authorities, as set forth by the ICTY orders in *Prosecutor v. Krstic I and II*. As set out in Section V of this Motion, in the instant case these steps were taken.
31. As to the Special Court system the importance of State cooperation is underlined by Section 21(2) of the Special Court Agreement Ratification Act establishing that an order of the Special Court is binding on “*every natural person, corporation, or other body created by or under Sierra Leone law.*” With respect to the procedures for compliance with a Trial Chamber order, Section 21(1) of this Act provides that “*any person executing an order of the Special Court shall comply with any direction specified in that order.*” Importantly, as to the seizure of documents or other tangible objects, Section 21(3) requires such items to be delivered “*forthwith*” into the custody of the Special Court, even if that is not specified in the order.⁴ The importance of State cooperation on behalf of the national authorities is also envisioned in Article 17(1) of the Sierra Leone’s Special Court Agreement Ratification Act, pursuant to which provision the Government is obliged to cooperate with “*all organs of the Special Court at all stages of the proceedings,*” which obligation, at least by way of analogy, applies to cooperation with the Defense.⁵ As Sierra Leone incorporated these obligations into its national laws, they should also disclose potential exculpatory documents to the Defense in order to comply with the object and purpose of said Agreement.⁶ It is in this light that also Rule 54 should be read.

³ See Cassese, *International Criminal Law* 355 (2003).

⁴ See also Section 21(4) of this Act with respect to the reporting duty.

⁵ See also Article 17(2) of this Agreement.

⁶ See Section 14 – 18 and 20 of this Agreement. See specifically Rule 8(A) of this Agreement.

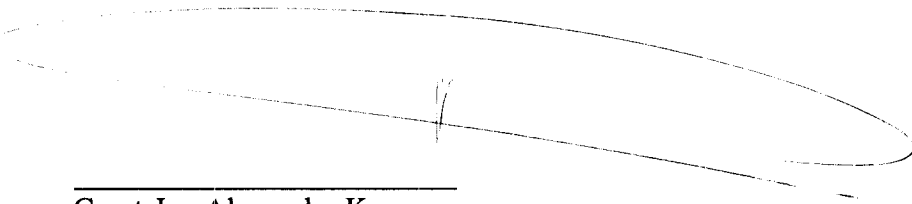
32. **In conclusion**, the order sought in the instant case is filed in line with the object and purpose of the Sierra Leone Special Court Agreement Ratification Act, the object and purpose of which should also be endorsed with regard to cooperation on part of the domestic authorities insofar as it concerns the disclosure of materials to the Defense.

VII RELIEF SOUGHT

33. For these reasons, the Defense respectfully prays the Trial Chamber of the Special Court to issue an order to the following extent:

- (i) To order the governmental and/or military authorities at the Ministry of Finance and/or Cockerill Army Headquarters, more particularly the individuals mentioned in Sections IV and V above, to provide an official statement in which they confirm the correctness of the information obtained by the Defense investigator Mr. Kamara, as enshrined in his report of March 12, 2003, among which official verifications of the exact dates of the Accused's detention period at Cockerill Army Headquarters, or any other orders as the Trial Chamber may deem appropriate;
- (ii) To order the appropriate authorities of the Ministry of Finance and/or Cockerill Army Headquarters to provide the CCP salary vouchers as specified in this Motion (enhancing the period April – June and/or June – September 2000) and/or any other document which may establish the presence of the Accused in the period of April – June 2000 at the location of CCP in Freetown or any other orders as the Trial Chamber may deem appropriate.

Respectfully submitted,
Done at this 19th day of March 2004



Geert-Jan Alexander Knoops
Lead Counsel

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SIMA KAMARA

79 Bass Street

Freetown.

12th March, 2004

Geert-Jan Alexander Knoop

Lead Counsel

DOSCSL

EXHIBIT 1

Sir,

INVESTIGATION REPORT IN RESPECT OF INDICTEE
SANTIGIE BORBOH KANU'S ALIBI AT COCKERILL
ARMY HEADQUARTERS

I wish to write and submit this report on the above-subject matter.

On Monday the 9th of February, I was directed by MR. J.O.D. COLE a co-defence counsel for the indictee to conduct investigation on an alibi made by the indictee that between the 15th April to the 15th September 2000, he was in detention at cockerill army headquarters in respect of a shooting incident that took place at Juba, which is in contrast to count 14-17 of the indictment made by the Chief Prosecutor's Office which states that between the 15th April to 15th September 2000 the indictee was intentionally directing attacks on UNAMSIL and other personnel Involved in humanitarian assistance or peace keeping mission located at various locations including Bombali, Kailahun, Kambia and Kono districts. I visited the ministry of defence to see the Chief of defence staff with a reminder letter from the defence counsel MR. J.C.D. COLE with reference to two letters that were earlier sent by another defence counsel MR. AGIE E. Manly-Spain to the C.D.S. to grant me the investigator complete and unhindered access to relevant documents and potential witnesses that are connected to the indictees detention at Cockerill.

Unfortunately the C.D.S. was out of the country but I spoke with his personal assistant a Major Musa who confirmed receiving the two letters from the Co-defence counsel MR. AGIE E. MANLY-SPAIN and that they were forwarded to the assistant C.D.S. for necessary action, he tried to get him on the telephone but was told that the Asst. C.D.S. is on an operational exercise within the country and could not be reached. Major Musa then assured me of his co-operation and that he would do all things possible to get in touch with the Asst. C.D.S. and inform him of my visit and request. He then asked me to be calling on him for any information he may have received. This I brought to the attention of MR. J.O.D. Cole a co-defence counsel. After frantic efforts throughout the week to get the clearance to start my investigation. I was disappointedly informed by Major Musa that he had spoken with the Asst. C.D.S. about our request and the asst. C.D.S. told him that the request made by the defence counsel had been referred to the Army legal department for advice and uptill now have not received any reply from them and that it is also unfortunate that the officers responsible to give advice on such request, a British and a Sierra Leonean lawyer are presently out of the country on annual and sick leave respectively and hopefully will be back at the end of February, 2004. He also informed me that as not members of the army legal department, the C.D.S. office is not in a position to give clearance for such request unless otherwise directed by the legal department. I then reminded him of the seriousness of this investigation and the time already wasted, which he blamed on office procedure, but reassured me of his co-operation and encouraged me to be calling on him through their hot line Tel:292929 ext. 114. for any development relating to our request. This I also brought to the attention of MR. J.O.D. COLE the defence counsel who advice that whilst waiting for the clearance from the C.D.S. office, I should start with another assignment at Lumpa.

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On Monday 1st of March 2004 I contacted Major Musa on the telephone and enquired about the arrival of their legal adviser, he then told me that he was just assisting me all this time because the officer who is responsible for that section was on sick leave and has now resume work, he then connected me to the Director of Training and personnel. I then introduced myself to her and explained my mission and the assistance I needed from the chief of defence staff. She acknowledge receiving the request made by my defence counsels and also confirmed the arrival of the legal adviser and also informed me that she will be meeting with them to delibrate on the issue and will then get back to me in two days time. I spent that next ~~two~~ days with the Defence team comprising of MR. AGIE MANLY-SPAIN and MR. J.O.D. COLE preparing for the commencement of the Status conference which was to be held on Monday 8th March 2004.

On Thursday 4th March 2004 I telephone the director of training to enquire about our request, she then ask me to call again in the afternoon which I did and it was at that call she told me that the green light has been given me to carryout my investigation. She then directed me to one Major Kaita who is the Military Police boss at Cockerill who is to assist me in my investigation. As the time was already late I decided to visit him the next day.

On Friday the 5th March 2004 at about 0830 hrs I visited the Cockerill headquarters to see Major Keita and was told that the Major is presently at the National Stadium on security coverage as they were expecting the arrival of the president of Sierra Leone to officially opened the Sierra Leone Armed Forces Sport day meeting. I then went to the National Stadium where upon enquiries was able to meet and know him for the first time. I then introduced myself to him and told him of my mission and the instruction given by the Director of Training. He then told me that as I can see for myself that

he is tied up and that the Sport meeting will not end until Saturday 6th March 2004, so he decided that I should meet him in his office on Monday 8th March 2004. From the National Stadium I then went directly to the defence office where I met Ms. Karlijn van der Voort and was later joined by Mr. Agie Manly-Spain and Mr. J.O.D. Cole in continuation of the preparation for the Status Conference which continued the next day Saturday 6th March 2004.

I was also asked by Karlijn to go and verify the name and position of the Officer who did the recommendation and signature on the discharged book of the indictee Santigie B. Kanu the next time I visited the Cockerill Headquarters.

On Monday 8th March 2004 I visited the Cockerill Headquarters where I met Maj. Keita and after deliberating on the fact I was trying to establish, he then sent for Captain Sylvanus who the investigator in respect of that shooting incident that land the indictee in their custody . I then requested to see and inspect the detention register for the period of 15th April to 15th September 2004. They took almost the whole day in searched of this register but could not be trace. when I questioned them how such a sensitive document could not be documented for easy reached, their response was that during that time in questioned, the Cockerill Army Headquarters was almost single handed administered by ECOMOG Officers with only few Sierra Leoneans Army personnel who have little or no knowledge about documentation and that it was only after the advent of IMATT Officers that documentary Machinery was put in place at the records office.

I was told to go and come back in two days time to enable them conduct an intensive search and hopefully will have something for me on my return. I then brought up discharged card issue, the Major then sent me with his orderly to the administrative building where it was clarify by one female IMATT Sergeant Major that it was written and

sign by the commanding officer of the enlistment and discharged section by the name of lieutenant Bunduka and is presently on course at the Junior Staff College at Leicester Village. I then brought it to the attention of Ms. Karlijn on my returned to the defence office.

On Wednesday 10th March 2004 at about 0900 hrs I again visited the Cockerill Army Headquarter where I was welcome with the news that the detention register for the period 15th April to 15th September 2000 have been found. I then requested to see and inspected it, and it was granted to me. After inspecting it I was convinced that it was authentic because of its age and other occurrences that were recorded in it. I then went through the contents of the detention register and found the following information:

- (1) That the indictee Santigie Kanu was arrested and detained on the 13th June 2000 and was of the rank of a Sergeant at that time, and that it was only after the verification exercise in the Military was done, that it was discovered that he is a corporal and was then demoted to his official rank of a corporal.
- (2) That during the time of his arrest he was a serving soldier attached to the commission for the consolidation of Peace whose chairman was Johnny Paul Koroma.
- (3) That the indictee was released from custody at the Cockerill Army headquarters on the 1st of December 2000.

Attached are the photo copies of the detention register where the date, unit, name, offence and action taken were recorded in respect of the indictee Santigie B. Kanu.

I also admonished them to take great care of the detention register as they may be called upon at anytime to produce it in court during the trial.

Sir, as I have now established that the indictee was indeed incarcerated at the Cockerill Army Headquarters from the 13th June to 1st December 2000. My next step now is to investigate where was he between the 15th April to the 12th of June 2000. My next stop will be the commission for the Consolidation of peace where he was attached before the day he was arrested, who attached him there and when was he attached there, as these are some of the pertinent questions the officers assisting me cannot answer, either because of their nervousness of the special court or how the Sierra Leone Government who is their employer and also partner in the prosecution of this trial will see them as, which may lead to their subsequent removal from the offices which they cherished so much.

These are some of the problems that is making my work in the field very slow and straineous, but with time and perseverance it can be done.

Faithfully Submitted by;

SIMA PAUL KAMARA

INVESTIGATOR



- C.C. A.E. MANLY-SPAIN
CO- DEFENCE COUNSEL
- 2. J.O.D. COLE
CO-DEFENCE COUNSEL

P/N	DATE	TIME	DETAINEES BOOK OF RECORD			ACTION TAKEN
			NAMES OF SUSPECTS	UNIT	OFFENCE	
1	10-8-2000		18164955 Sgt Kgnu.B.	CCP	UNL/Firing	
2	26/7/00		" 5842 " Massaquoi	"	Larceny	RELEASE
3	4/8/00		18171115/Hc Gibera	7th Bn	"	
4	28/8/00		LT. AB Turay 653	SLMP		
5	7/8/00		SLR/1918 Pte Koroma	RUF	Murder	
6	7/8/00		" 2177 " Musa.y.	"	"	
7	9/8/00		" 1088 " Koroma.S.	CDS	Harboring	RELEASE
8	2/8/00		18170438 " Kande h.A.	ASLA	Larceny	
9	10/8/00		SLR/1109 " Kamara X	B.T.C	AWOL	
10	20/7/00		Junior Tarawalli	C.D.F	H/Breaking	
11	"		Mohamed Kamara	"	"	
12	"		Joseph Kekura	"	"	
13	"		Jusu J. Konneh	"	"	
14	"		Charles Obi	"	"	
15	"		Joseph Samu	"	"	
16	"		Mohamed Simbo	"	"	
17	"		James Junior	"	"	
18	"		Musa Mansaray	"	"	
19	"		Mustapha Kamara	"	"	
20	"		Abu B. Kamara	"	"	
21	"		Eric Momoh	"	"	
22	"		Walter Fedrick	"	"	
23	"		King Chux	"	"	
24	"		Junior Kalla	"	"	
25	"		Duwai Samu	"	"	
26	24/7/00		Sorie Kabla	RUF	RUF. Suspect	
27	"		John Borby	"	"	
28	"		Brahim Kuyateh	"	"	

FOLIO "B"

INFORMED —————

~~KNOWN~~

LIST OF SUSPECTS IN CUSTODY AS AT
FRIDAY 1ST DECEMBER 2000

S/N	NAMES OF SUSPECT	DATE	UNIT	OFFENCE	REMARKS
1	1816 4955 Sgt Karu SB	13/6/00	CCP	UNL-FIRING	Released
2	SLR/2567/2000 pte Lamin K	18/1/00	BTC	IMPERSONATION	
3	18166603 cpl Sesay B	"	"	"	
4	Mr Eric Mustapha	4/1/00	KABALA	RUF SUSPECT	CASE WITH MIB
5	SLBG 2391 pte Boekarie	28/1/00	BTC	IMPERSONATION	"
6	18164123 cpl Banyo	"	FBN	PROTECTIVE CUSTODY	MAJOR HELLING
7	SLR/1180/99 pte Stafford	"	CAMP MID	DISMISSED	SLMP
8	SLR/0927/99 " Williams	"	MIB	AIDING/ABETTING	"
9	18174446 L/cpl Mansaray	"	BTC	PROTECTIVE CUSTODY	"
10	SLBG 1574 pte Osman BK	"	"	"	"
11	1817 7489 pte Samu	"	"	"	"

A.E. MANLY-SPAIN, B.A*Barrister At Law & Solicitor*

CHAMBERS
11 Percival Street
Freetown
Tel: 226893
Rep. Sierra Leone

Date: 19th January, 2004.

The Chief of Defence Staff
Army Headquarters
Cockerill
Wilkinson Road
Freetown.

Dear Sir,

RE: SPECIAL COURT INDICTEE- CORPORAL SANTIGIE KANU

I write with reference to my letter to you dated 15/12/03, a copy of which is enclosed herein.

I would be grateful if you would reply to the said letter and make it possible for me or the investigator working in the defence of Corporal Santigie Kanu to have access to the relevant documents and potential witnesses.

Yours faithfully,

A.E. MANLY-SAPIN

Cc: Knoops & Partners
Holland Advocates
J.O.D. Cole
Barrister & Solicitor
Sander Street
Freetown

A. E. MANLY-SPAIN, B.A

Barrister At Law & Solicitor

MEMBERS

Percival Street
Freetown
Tel: 226893
Rep. Sierra Leone

Date: 15/12/03

The CHIEF OF DEFENCE STAFF
Army Headquarters
Cockerill
Wilkinson Road
Freetown.

Dear Sir,

RE: SPECIAL COURT INDICTMENT - CORPORAL SANGLIE KAMU


I am one of the Counsel assigned to defend the above named person. He has informed us that he was discharged as a corporal from the Republic of Sierra Leone Military Forces in 2001.

As an indietee of the Special Court he has been charged with various counts and with various offences. In Counts 14 - 17 of the indictment he is charged for attacks on UNAMSIL PERSONNEL between about 15th April 2000 and 15th September 2000 at locations including Bombali, Kailahun, Kambia and Kono Districts. He is also accused of "having during this period, intentionally directing attacks against personnel involved in humanitarian assistance or peace keeping missions".

Our client Corporal Sanglie Kamu claims that during the period covering 15th April 2000 and 15th September 2000 he was incarcerated (in custody) at the Army headquarters Cockerill, Freetown.

The purpose of this letter is to request your program to confirm or may not confirm our client's claim and also the possibility of our interviewing personnel who were incarcerated with our client so that we can obtain statements for the purpose of the trial.

Yours faithfully


A. E. MANLY-SPAIN.

Cc: Knoops & Partners
Holland Advocates
J. O. D. Cole ✓
Barrister At Law
Sander Street
Freetown

Mag K

608

JOSEPH O.D. COLE LL.B (Hons). MA

Of Lincoln's Inn. Barrister-at-Law
Solicitor of the High Court of Sierra Leone
E-mail: jodcole@hotmail.com

EXHIBIT 3

Please ensure that if we have any doc/records etc at the NCO or legal dept is aware of it. Do not give an eye to external agencies

Abiromoh Chambers

86 Sanders Street
Freetown
Sierra Leone
☎: 241720

3rd February, 2004

The Chief of Defence Staff, unless sanctioned by our own SO2 Legal Dept
Republic of Sierra Leone Armed Forces,
c/o Army Headquarters,
Cockerill,
Wilkinson Road,
Freetown.

JOB PM

(We SO2 legal got back a 9th Dec memo you discuss it with him).

Dear Sir,

RE: RETIRED CORPORAL SANTIAGUE KANU - SPECIAL COURT INDICTEE

I write as a follow-up to the letter dated 19th January, 2004 written by my colleague A.E. Manly-Spain Esq., on the above-mentioned subject-matter. That letter is a follow-up to another written by my same colleague on the same issue.

I regret that we have not received any response from your office on my colleague's request for access to your records to confirm or deny an alibi which the Defence team of Mr. Kanu intends to raise regarding his alleged detention at the Cockerill Military Headquarters between about 15th April 2000 and 15th September, 2000.

The purpose of this letter is to inform you that an Investigator assigned to Mr. Kanu's Defence will call on you or someone designated by you so that the alibi can be verified.

Please give him all necessary assistance and your co-operation is highly solicited.

C.C. (1) Prof. Eng. Gueer-Jan Alexander Kpoojo
Lead Counsel

(2) A.E. Manly-Spain Esq., Legal Consultant

(3) Sina Paul Kamara, Investigator ✓

Yours faithfully,



JOSEPH O.D. COLE
Co-DEFENCE COUNSEL

EXHIBIT 4

Apollolaan 58
1077 BC Amsterdam
The Netherlands
Tel. # 31-20-470 51 51
Fax # 31-20-675 09 46

Ministry of Finance
Accountant General's Office
George Street
Freetown

March 16, 2004

Re: Prosecutor v. Mr. S.B. Kanu

Dear Sir/Madam,

At present, we represent Mr. Santigie Borbor Kanu, born on March 15, 1965, who is facing charged before the Special Court for Sierra Leone. Mr. Kanu was a serving soldier in the period of December 3, 1990 to August 28, 2000, soldiers number 18164955 in the rank of Corporal.

According to the information provided to us by the defendant, he was detained from June 13 to December 1, 2000 at Cockerill Army Headquarters in Freetown. Confirmation of this information may be of relevance as to a particular charge against Mr. Kanu.

Furthermore, it is important to establish the fact whether Mr. Kanu was stationed at the CCP in the period of April 15 to June 13, 2000, in view of a particular charge.

To this extent, the defense respectfully requests your Department to provide the defense investigator Mr. Sima Paul Kamara access to the so-called CCP salary vouchers, which were dissipated to Mr. Kanu and/or any other documents which could establish the fact that he was stationed at the CCP in Freetown during the latter period. If you have any further suggestions as to our inquiry, please feel free to provide these to Mr. Kamara.

The defense is very grateful for your cooperation on this matter, and we thank you for your attention to this request. Please do not hesitate to contact, if you have any further questions.

Sincerely yours,

Geert-Jan Alexander Knoops
Lead Counsel for Mr. Kanu

EXHIBIT 5

Apollolaan 58
1077 BC Amsterdam
The Netherlands
Tel. # 31-20-470 51 51
Fax # 31-20-675 09 46

Cockerill Army Headquarters
Attn. Major Cole
Freetown

March 18, 2004

Re: Prosecutor v. Mr. S.B. Kanu

Dear Mr. Cole,

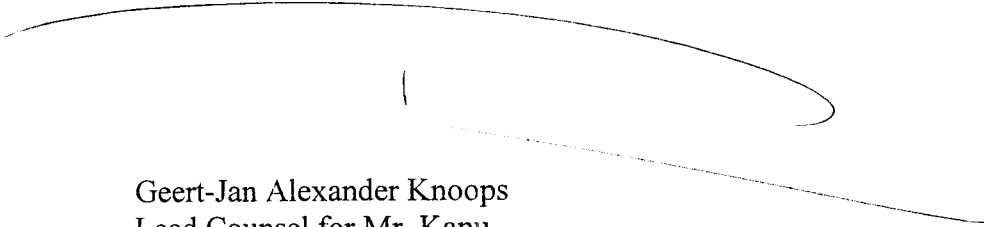
At present, we represent Mr. Santigie Borbor Kanu, born on March 15, 1965, who is facing charged before the Special Court for Sierra Leone. Mr. Kanu was a serving soldier in the period of December 3, 1990 to August 28, 2000, soldiers number 18164955 in the rank of Corporal.

In furtherance to the investigations of the defense investigator, Mr. Sima Paul Kamara, at your Headquarters, in order to establish that Mr. Kanu was detained from June 13 to December 1, 2000 at Cockerill Army Headquarters in Freetown, we respectfully seek your cooperation with respect to the preceding period of April 15 to June 13, 2000. According to our information Mr. Kanu was stationed at the CCP in the period of April 15 to June 13, 2000.

To this extent, the defense respectfully requests your Headquarters to provide the defense investigator Mr. Sima Paul Kamara access to the so-called CCP salary vouchers, which were dissipated to Mr. Kanu and/or any other documents which could establish the fact that he was stationed at the CCP in Freetown during the latter period. If you have any further suggestions as to our inquiry, please feel free to provide these to Mr. Kamara.

The defense is very grateful for your cooperation on this matter, and we thank you for your attention to this request. Please do not hesitate to contact, if you have any further questions.

Sincerely yours,

A large, handwritten signature in black ink, appearing to be 'Geert-Jan Alexander Knoops', written over a horizontal line.

Geert-Jan Alexander Knoops
Lead Counsel for Mr. Kanu