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SCSL-04-15-T  
(26863-26936)

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**SPECIAL COURT FOR SIERRA LEONE  
TRIAL CHAMBER I**

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

**Registrar: Mr. Herman Von Hebel**

**Date filed: 30<sup>th</sup> May 2008**

**THE PROSECUTOR**

**V.**

**ISSA HASSAN SESAY**

**Case No. SCSL-04-15-T**

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**PUBLIC**

**Motion to Request the Trial Chamber to Hear Evidence Concerning the  
Prosecution's Witness Management Unit and its Payments to Witnesses**

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**Office of the Prosecutor**

Mr. Peter Harrison  
Mr. Reginald Fynn

**Defence Counsel for Issa Sesay**

Mr. Wayne Jordash  
Ms. Sareta Ashraph

**Defence Counsel for Morris Kallon**

Mr. Charles Taku  
Mr. Orgetto Kennedy  
Ms. Tanoo Mylvanganam

**Court-Appointed  
Counsel for Augustine Gbao**

Mr. John Cammegh  
Mr. Scott Martin

RECEIVED  
WITNESS MANAGEMENT  
30 MAY 2008  
NAME At Hassan Fornah  
SIGN [Signature]  
TIME 15:50

## I. INTRODUCTION

1. There is cogent evidence that the Prosecution is providing improper benefits and inducements (“payments”)<sup>1</sup> to witnesses in order to obtain testimony. The available evidence provides *prima facie* proof that the Prosecution’s so-called Witness Management Unit (“WMU”) provides witnesses with payments unrelated to legitimate, necessary, or appropriate witness expenses or security issues. The evidence is sufficiently cogent to provide proof that some of the payments are administered to witnesses to secure information, to ensure their “cooperation”, and as reward for testimony that assists the Prosecution – thus undermining the integrity of the RUF trial by inducing witnesses to provide false testimony against the Accused.
2. At a minimum, the *available* evidence shows that the payments, provided through the auspices of the WMU, are *ultra vires* the Statute of the Special Court (“Statute”), the Rules of Procedure and Evidence (“Rules”), and the Practice Direction on Allowances for Witnesses and Expert Witnesses (“Practice Direction”).<sup>2</sup> These payments ought to be investigated by the Trial Chamber before the closing of the RUF case.
3. The Defence requests that the Trial Chamber, pursuant to its Rule 54<sup>3</sup> powers:
  - (i) Order the Prosecution to provide a person or persons to attend the Trial Chamber to provide witness testimony concerning the role and function of the WMU in relation to witnesses and the details of all its payments to witnesses;
  - (ii) Order the disclosure of all payment records of the WMU to facilitate the aforementioned hearing;
  - (iii) Order the Prosecution to clarify the relationship between the WMU and its relationship, if any, with the Witnesses and Victims Section (“WVS”);
  - (iv) Order the Registry to clarify its supervision, if any, of the propriety of the WMU payments to witnesses;
  - (v) Order the WVS to provide information concerning its relationship with the WMU and its oversight, if any, of the WMU (including any welfare or security information sharing to prevent duplication or unwarranted payments); and
  - (vi) Any other ancillary Order the Trial Chamber deems necessary.
4. The Defence submits that the Orders would allow the Trial Chamber to understand the role of the WMU, take into consideration the impact of any payments to witnesses (pre- and/or post-

<sup>1</sup> “Payments” is used primarily to describe money but also includes other forms of benefit, including relocation packages; housing; educational programs; health care; top-up cards; meals; day trips; social activities; leisure activities; release from imprisonment; assistance with immigration issues, criminal charges or civil penalties; or any other form of assistance.

<sup>2</sup> Practice Direction on Allowances for Witnesses and Expert Witnesses, Adopted on 16 July 2004.

<sup>3</sup> Rule 54 provides a general power to allow the Trial Chamber to issue “such orders, summonses, subpoenas, warrants and transfer orders as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial”.

testimony, proper or otherwise) and thereafter to assess the full impact of the payments on the credibility of witness testimony and ultimately the integrity of the RUF proceedings.

## II. MERITS

5. The Prosecution has a duty to provide measures for the security and welfare of potential witnesses when they are necessary<sup>4</sup> for the limited purposes of its investigations. This duty arises pursuant to Rule 39(ii)<sup>5</sup> and is further prescribed – and limited – by Article 16(4)<sup>6</sup> and Rule 34.
  
6. The Prosecution’s duty to take all “measures deemed necessary for the purpose of the investigation, including the taking of any special measures to provide for the safety, the support and the assistance of *potential* witnesses and sources”<sup>7</sup> is operative only during the investigative stage.<sup>8</sup> The measures must be *necessary* (Rule 39(ii)). The Statute and the Rules states that only the Registrar, through the WVS, is mandated to provide “protective measures and security arrangements, counselling and other appropriate assistance for witnesses, victims who appear before the court” or those who, post-testimony, “are at risk”<sup>9</sup> as a result thereof and “[p]rovide [all witnesses, victims who appear before the Special Court] with adequate protective measures and security arrangements and develop long- and short-term plans for their protection and support”.<sup>10</sup> This function is further prescribed and regulated by the “Practice Direction on Allowances for Witnesses and Expert Testimony”<sup>11</sup> which provides that “[f]or witnesses and expert witnesses residing in Sierra Leone, the Witnesses and

<sup>4</sup> Rule 39(i) and (ii).

<sup>5</sup> Rule 39(ii) states:

In the conduct of an investigation, the Prosecutor may: (i) Summon and question suspects, interview victims and witnesses and record their statements, collect evidence and conduct on-site investigations; (ii) Take all measures deemed *necessary* for the purpose of the investigation, including the taking of any special measures to provide for the safety, the support and the assistance of potential witnesses and sources.

<sup>6</sup> Article 16(4) states, *inter alia*:

The Registrar shall set up a Victim’s and Witnesses Unit within the Registry. This Unit shall provide, in consultation with the Office of the Prosecutor, protective measures and security arrangements, counselling and other *appropriate* assistance for witnesses, victims who appear before the Court and others who are at risk on account of testimony given by such witnesses.

<sup>7</sup> Rule 39(i) and (ii); emphasis added.

<sup>8</sup> The Rules are divided into 9 sections and purport to regulate the various stages of the trials. Rule 39 falls squarely into section IV “Investigations, Rights of Suspects and Accused” which is followed by Part V: Pre-trial Proceedings and thereafter, *inter alia* Part VI: Proceedings before the Trial Chamber. Investigations are further defined as conduct involving the summoning and questioning of suspects, interviewing of victims and witnesses, recording of statements, collecting evidence and conducting on-site investigations. The conduct of an investigation – as defined by Rule 39 - does not include any activity following the taking of statements during the pre-trial period and would by implication exclude lawyerly activities such as the preparation of a witness to give testimony or so-called proofing.

<sup>9</sup> Article 16(4).

<sup>10</sup> Rule 34(A)(ii).

<sup>11</sup> Adopted on 16 July 2004.

Victim's Section shall ensure the payment of all allowances".<sup>12</sup> The Registrar may delegate his authority under the Practice Direction to only the Chief of the WVS.<sup>13</sup>

7. The payments of all allowances to witnesses (including attendance allowances, transportation in connection with testifying, accompaniment by support persons or dependents, medical expenses, childcare, and other allowances) are therefore under the exclusive domain of the WVS.<sup>14</sup> The WVS consults with the Prosecution and the Defence Office in the exercise of its functions but it retains – at all times – this exclusive function.
8. In other words, whilst the WMU may be entitled to issue payments during the *investigation phase* in order to provide “special measures” to provide for the safety and support of *potential* witnesses, there is no statutory or regulatory basis for the issuance of payments once the potential witness becomes a witness and thereby enters into the “protection” of the WVS.
9. In sum, the WMU is therefore not entitled to provide payments to witnesses. Payments to witnesses, by either party, whether administered in good faith or otherwise, are prohibited and *ultra vires* the Statute and Rules. The WMU can provide limited payments to *potential* witnesses for the purposes of the Prosecution investigations but is not permitted to provide payments outside of these purposes. It cannot provide payments which fall within the Practice Direction.<sup>15</sup> The WMU must not usurp the role of the WVS. The WMU must – at the time the WVS assumes its statutory role – limit its role to consultation with the WVS.
10. This restriction is crucial to ensure the integrity of the process, which relies upon an independent body – and not a party to the proceedings -- issuing payments to witnesses. The whole payment scheme, regulated by the aforementioned legislation and Practice Direction,

<sup>12</sup> Article 2(B); emphasis added.

<sup>13</sup> Practice Direction; Article 3.

<sup>14</sup> Practice Direction, Article 9(D)(i):

Travel arrangements shall be made by [WVS], for witnesses residing in Sierra Leone.

Practice Direction, Article 12(A):

The Special Court shall provide witnesses with medical treatment by a qualified medical institution or professional if they are sick or injured during the days they testify, including days spent on travels and away from home, in connection with testifying. In exceptional cases, the medical treatment shall be provided before and/or after witnesses travel from home provided that such medical treatment is connected with testifying;

Practice Direction, Article 13(A):

Based on an assessment and request by [WVS], the Registrar may authorise the payment of childcare expenses or the payment for other forms of care for dependants of witnesses to enable them to testify.

Practice Direction, Article 14(iv):

Based on an assessment and request by [WVS], including supporting documentation, the Registrar may authorise ... [c]ompensation for extraordinary losses, including loss of income, for witnesses who will suffer or who have suffered undue hardship as a result of testifying.

<sup>15</sup> See Paragraph 7, *supra*.

is premised on ensuring that payments to witnesses do not emanate from a party to the proceedings. This makes good law. Payments to Prosecution witnesses, outside of the neutrality and equality proposed by the activities of the WVS, would violate Article 17(4)(e) of the Statute, namely the right of the Accused to “obtain the attendance and examination of the witnesses on his or her behalf under the same conditions as witnesses against him or her”. The Defence has no budget, nor should it have, to administer payments to witnesses.

11. It is evident that there is no statutory or regulatory basis for the existence of a unit – outside of the WVS – to issue payments or any other potential inducement to witnesses. There is no proper basis for payments by the Prosecution to witnesses at all, and demonstrably not for purposes: *inter alia* “wasted time”, lost wages on days where witnesses would not have ordinarily worked, “rewards for coming to be interviewed”, school fees, hospital bills, or any other similar payment. These payments would appear to be designed to act – or have the capacity to act – as inducements to testify.

### **CASH FOR CONVICTIONS**

12. Additionally, even if the WMU were permitted to issue payments to witnesses, which it is not, the payments made by the WMU are substantial and often demonstrably unwarranted within the context of legitimate special measures. There is *absolutely no* legitimate purpose served by payments which do not correspond to exact losses or legitimate expenses incurred by witnesses or those which are in excess of witnesses’ reasonable needs and the standardised payments ordinarily issued by the WVS. The payments issued by the WMU are approved by investigators whose primary function is to secure information. These payments are not properly assessed by experts in witness and victim management, do not correspond to reasonable expenses, do not correlate to monies spent or utilized by the witness, and otherwise raise serious questions about their purpose or the *bona fides* of the payer.
13. Absolutely critical to the integrity of the Court’s process is an explanation of these payments and the impact these payments have on the assessment and reliability of evidence adduced by the Prosecution. The following evidence should be taken into account as providing further proof of both the illegitimacy of the payments and the likelihood that they have fatally undermined the integrity of the process. This evidence is not exhaustive and only includes some of the evidence known to the Defence. The remaining evidence lies exclusively within the domain of the Prosecution – who refuse to disclose the complete details of their payments

(e.g., assistance in relocating and organising the immigration status of witness TF1-139,<sup>16</sup> and cash payments made to RUF Prosecution Witnesses after the completion of their testimony<sup>17</sup>).

### Impermissible Payments

#### 14. RUF Prosecution Witness TF1-108

(i) Received Le10,000<sup>18</sup> on the 18<sup>th</sup> November 2004 *inter alia* for “Time Wasted”.<sup>19</sup>

#### 15. RUF Prosecution Witness TF1-113

(i) Received Le10,000 on the 18<sup>th</sup> November 2004 *inter alia* for “Time Wasted”.<sup>20</sup>

#### 16. RUF Prosecution Witness TF1-114

(i) Received Le10,000 on the 17<sup>th</sup> November 2004 *inter alia* for “Time Wasted”.<sup>21</sup>

#### 17. RUF Prosecution Witness TF1-141

(i) Payment of Le50,000 on the 28<sup>th</sup> September 2003 for “school fees at Holy Trinity School”.<sup>22</sup>

(ii) Payment of Le100,000 on the 22<sup>nd</sup> October 2003 “for support to foster parent”.<sup>23</sup>

(iii) Payment of Le150,000 on the 11<sup>th</sup> May 2004 for “Subsistence allowance”.<sup>24</sup>

(iv) Payment of Le120,000 on the 9<sup>th</sup> September 2004 for “weekly allowance”.<sup>25</sup>

#### 18. RUF Prosecution Witness TF1-361

(i) Payment on the 7<sup>th</sup> December 2004 of Le10,000 to witness for *inter alia* “wasted time”.<sup>26</sup>

#### 19. RUF Prosecution Witness TF1-371

(i) Payment on the 3<sup>rd</sup> November 2005 of \$50 for “Source development/information”.<sup>27</sup>

(ii) Payment on the 26<sup>th</sup> November 2005 of \$50 for “Information”.<sup>28</sup>

(iii) Payment on the 10<sup>th</sup> December 2005 of \$200 for “Information on leads for potential witnesses”.<sup>29</sup>

#### 20. RUF Prosecution Witness Alfred Sesay

(i) Payment on the 22<sup>nd</sup> October 2003 of Le5,000 for *inter alia* “time wasted”.<sup>30</sup>

(ii) Payment on the 23<sup>rd</sup> October 2003 of Le5,000 for “time wasted”.<sup>31</sup>

(iii) A second payment on the 23<sup>rd</sup> October 2003 of Le5,000 for “time wasted”.<sup>32</sup>

<sup>16</sup> RUF Trial, Transcript, 6<sup>th</sup> October 2004, pp. 15-41.

<sup>17</sup> Letter from Charles Hardaway to Mr. Jordash and Ms. Ashraph dated 27<sup>th</sup> September 2007; Annex A.

<sup>18</sup> 3,000 Leones typically exchanges for one US Dollar.

<sup>19</sup> Annex B, p. B-1.

<sup>20</sup> Annex B, p. B-3.

<sup>21</sup> Annex B, p. B-5.

<sup>22</sup> Annex B, p. B-7 and B-10.

<sup>23</sup> Annex B, p. B-7 and B-10.

<sup>24</sup> Annex B, p. B-8 and.

<sup>25</sup> Annex B, p. B-8 and B-10.

<sup>26</sup> Annex B, p. B-13.

<sup>27</sup> Annex B, p. B-15.

<sup>28</sup> Annex B, p. B-15.

<sup>29</sup> Annex B, p. B-15.

<sup>30</sup> Annex B, p. B-18.

<sup>31</sup> Annex B, p. B-18.

21. *Prosecution Witness TF1-356*

- (i) Payment of Le37,500 on the 5<sup>th</sup> May 2004 for medical supplies “upon the completion of the investigative process”.<sup>33</sup>

**Impermissible and/or Inappropriate Leisure Activities**

22. *Prosecution Witness TF1-046*

- (i) The Prosecution have confirmed that the WMU took witness T1-046 out on regular Sunday trips, including a Sunday luncheon appointment to an expensive restaurant (Franco’s Restaurant). The Deputy Chief of WVS confirmed that these trips were not considered necessary for the witnesses’ welfare or any protective measure.<sup>34</sup>

**Excessive or Duplicative Payments by WMU**

23. *RUF Prosecution Witness TF1-035*

- (i) Payment of Le40,000 on the 15<sup>th</sup> February 2005 for “reimbursement for lost funds”. The lack of proper explanation for this large payment ought to be observed.<sup>35</sup>

24. *Prosecution Witness TF1-046*

- (i) Payment of \$250 on the 23<sup>rd</sup> October 2002 to “cover cost associated to Maintenance”. No other explanation is provided.<sup>36</sup>
- (ii) Payment of \$100 on the 1<sup>st</sup> November 2002 to “cover cost associated to Maintenance”. No other explanation is provided.<sup>37</sup>
- (iii) Payment of Le436,000 between the 8<sup>th</sup> and 10<sup>th</sup> March 2003 for “costs associated to Maintenance” and “meals”.<sup>38</sup>

25. *RUF Prosecution Witness TF1-139*

- (i) Payment of \$400 between 6<sup>th</sup> and 18<sup>th</sup> November 2002 for “communications, top up cards”.<sup>39</sup>
- (ii) Payment of \$500 on the 31<sup>st</sup> October 2003 for “communication, top up and subsistence for family”.<sup>40</sup>
- (iii) Benefits of \$15,000.<sup>41</sup>

26. *Prosecution Witness TF1-151*

- (i) Payment totalling \$2,623 for “maintenance”, “clothing and luggage”, “meals”, and “purchase of fuel” between the 12<sup>th</sup> and 19<sup>th</sup> December 2002.<sup>42</sup>

27. *RUF Prosecution Witness TF1-360*

- (i) Payment of Le250,000 on 3<sup>rd</sup> February 2006 for “Accommodations, meals, repairs to

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<sup>32</sup> Annex B, p. B-18.

<sup>33</sup> Annex B, p. B-19.

<sup>34</sup> RUF Trial, Transcript, 20<sup>th</sup> June 2007, pp. 46-60.

<sup>35</sup> Annex C, p. C-1.

<sup>36</sup> Annex C, p. C-3.

<sup>37</sup> Annex C, p. C-3.

<sup>38</sup> Annex C, pp. C-4/5.

<sup>39</sup> Annex C, pp. C-7/8.

<sup>40</sup> Annex C, p. C-9. This witness entered the care of WVS in April 2003; *see* RUF Trial, Transcript, 7<sup>th</sup> October 2004, p. 29.

<sup>41</sup> RUF Trial, Transcript, 7<sup>th</sup> October 2004, p. 28.

<sup>42</sup> Annex C, pp. C-10/11.

- motor vehicle and top up phone card for two days”.<sup>43</sup>
- (ii) Payment of Le500,000 on 6th February 2006 for “meals and transport” and “source information”.<sup>44</sup>
- (iii) Payment of Le350,000 on 20<sup>th</sup> February 2006 for “source information”.<sup>45</sup>

28. *RUF Prosecution Witness TF1-366*

- (i) Payment of Le80,000 on the 25<sup>th</sup> August 2004 for *inter alia* “food” for “eight days”;<sup>46</sup> a further Le30,000 for *inter alia* “meals” on the 31<sup>st</sup> August 2004 and a further Le100,000 for *inter alia* “meals” on the 1<sup>st</sup> September 2004.<sup>47</sup>
- (ii) Payment of Le70,000 on the 12<sup>th</sup> November 2004 for “Food for Seven days (7)”; a further Le70,000 for “Food, Snacks and Drinks” and “Meals” on the 16<sup>th</sup> November 2004; Le10,000 for “Meals” on the 18<sup>th</sup> November 2004<sup>48</sup> and a further Le20,000 on the 19<sup>th</sup> November 2004.<sup>49</sup> (These amounts were supplemented on the 17<sup>th</sup> November 2004 by a further payment to “Witness for Family attendance” in the sum of Le150,000).<sup>50</sup>

**Prosecution Attempted Inducement of Defence Witnesses**

29. *Defence Witness DIS-281*

- (i) Defence witness DIS-281 confirmed that he was given \$100 by the Prosecution in order to persuade him to become a Taylor Prosecution Witness.<sup>51</sup>

**Additional Known Prosecution Payments – Testimony from RUF and Taylor Trials**

30. The evidence given by Prosecution witnesses<sup>52</sup> confirms that the Prosecution (through the WMU) provides payments for witnesses which are not linked to any legitimate witness expense or security concern. This has been confirmed by:

- (i) RUF Prosecution Witness TF1-334 was given a Le5,000 “allowance” on the 10<sup>th</sup> April 2004 for “transport” notwithstanding travelling in a SCSL vehicle. This “allowance” occurred on several different occasions;<sup>53</sup>
- (ii) RUF Prosecution Witness TF1-334 was given 52 payments for the “purchase of information” and for “meals” between 4<sup>th</sup> April 2006 and 6<sup>th</sup> November 2007. The total was Le1,037,000 (345USD).<sup>54</sup> E.g., Le60,000 on the 16<sup>th</sup> November 2006.<sup>55</sup> The payments would be made on days when the Prosecution have no record of any interviews

<sup>43</sup> Annex C, p. C-18. This witness first arrived into the care of WVS on 1<sup>st</sup> April 2005.

<sup>44</sup> Annex C, p. C-19.

<sup>45</sup> Annex C, p. C-19.

<sup>46</sup> Annex C, p. C-27. This payment equalling Le10,000 per day for food would appear to represent an attempt by the Prosecution at standardising payments for meals to witness; thus at times the Prosecution appears to recognise that Le10 000 per day is reasonable for “feeding” (*see also* Annex B, p. B-3, detailing a payment to TF1-113 on the 1<sup>st</sup> July 2005 of Le10,000 for “one day feeding”). At other times this standardization is inexplicably ignored, as per the remainder of the payments to TF1-366.

<sup>47</sup> Annex C, p. C-28.

<sup>48</sup> Annex C, pp. C-29/30.

<sup>49</sup> Annex C, p. C-31.

<sup>50</sup> Annex C, p. C-30.

<sup>51</sup> Confidential Annex D, Statement of DIS-281

<sup>52</sup> Evidence given by Defence witnesses in the RUF trial concerning payments to Prosecution witnesses is not included in these known payments to Prosecution witnesses.

<sup>53</sup> Taylor Trial, Transcript, 29<sup>th</sup> April 2008, pp. 8885-87.

<sup>54</sup> Taylor Trial, Transcript, 29<sup>th</sup> April 2008, pp. 8903-04.

<sup>55</sup> Taylor Trial, Transcript, 29<sup>th</sup> April 2008, p. 8899.



- being conducted. The witness testified (92*bis*) in the RUF Trial from the 5<sup>th</sup>-10<sup>th</sup> July 2006.<sup>56</sup> (The witness claimed that the money was for transportation and not information as indicated by the WMU records<sup>57</sup>);
- (iii) RUF Prosecution Witness TF1-334 was given money for meals on days (e.g., 30<sup>th</sup> and 31<sup>st</sup> August 2006) when the witness was not interviewed;<sup>58</sup>
  - (iv) RUF Prosecution Witness TF1-334 was provided with a new mobile phone to enable the OTP to be in contact “in view of in depth clarification interviews”;<sup>59</sup>
  - (v) RUF Prosecution Witness TF1-015 noted that he was given money as “a kind of gesture” or “because [the investigators] wasted his time”;<sup>60</sup>
  - (vi) RUF witness TF1-360 confirmed that he had received payments on days when he had not been interviewed and had received money to allow him to carry out repairs at home (“If I had anything that needed repair at home they will send a mechanic to go and repair the generator at home, so they will give the money and I will give money to the mechanic to do the work”);<sup>61</sup>
  - (vii) RUF Prosecution Witness TF1-362 confirmed that in April 2005 the Prosecutor handed her an unknown quantity of money in an envelope and said, “Please put it into good use and take care of yourself”. The witness confirmed that there was no reason given for the payment and it was unsolicited. This payment has not been disclosed to the Defence. It is noteworthy that this witness gave evidence in the RUF trial between the 20<sup>th</sup> and 26<sup>th</sup> April 2005;<sup>62</sup>
  - (viii) RUF Prosecution Witness TF1-362 also confirmed that the Prosecution gave the witness money to travel to Freetown for a family meeting;<sup>63</sup>
  - (ix) RUF Prosecution Witness TF1-366 confirmed that since he had been cooperating with the Prosecution he was able to “sleep in a decent place”, had “decent food to eat”, could “change clothes”, and consequently he wanted to help the Prosecution because they helped him: “Yes. Yes, I want to help them. Today and tomorrow, I want to help them”.<sup>64</sup>
  - (x) Taylor Prosecution Witness Moses Blah who noted that he was given money by the Prosecution as “a good will gesture”;<sup>65</sup>
  - (xi) Taylor Prosecution Witness TF1-337 confirmed that the money he was given purportedly for lost wages did not correspond to the sum he would lose from not working: the Le30,000 he had been paid for “lost wages” in November 2003 was in excess of the Le20,000 which he would ordinarily utilise in legitimate expenses for his family in the same two days and in excess of the Le5,000-10,000 income he might earn in his irregular employment;<sup>66</sup>
  - (xii) Taylor Prosecution Witness TF1-337 also confirmed that he received Le250,000 to pay for his children’s school fees and uniforms, etc. which was given to him because he had some “problems” in his family;<sup>67</sup>
  - (xiii) Taylor Prosecution Witness TF1-532 (Isaac Mong'o) confirmed that he had received money purportedly for lost wages notwithstanding that he had not informed the

<sup>56</sup> The witness was a protected witness in the RUF case but this fact is now in the public domain and was discussed openly in the Taylor Trial (e.g., Taylor Trial, Transcript, 29<sup>th</sup> April 2008, p. 8907).

<sup>57</sup> Taylor Trial, Transcript, 28<sup>th</sup> April 2008, p. 8898.

<sup>58</sup> Taylor Trial, Transcript, 28<sup>th</sup> April 2008, pp. 8902.

<sup>59</sup> Taylor Trial, Transcript, 28<sup>th</sup> April 2008, pp. 8903.

<sup>60</sup> Taylor trial, Transcript, 9<sup>th</sup> January 2008, p. 788.

<sup>61</sup> Taylor trial, Transcript, 7<sup>th</sup> February 200, p. 3402.

<sup>62</sup> Taylor trial, Transcript, 3<sup>rd</sup> March 2008, p. 5147.

<sup>63</sup> Taylor trial, Transcript, 4<sup>th</sup> March 2008, pp. 5164-5.

<sup>64</sup> RUF trial, Transcript, 10<sup>th</sup> November 2005, p. 79.

<sup>65</sup> Taylor trial, Transcript, 9<sup>th</sup> January 2008, p. 10127.

<sup>66</sup> Taylor trial, Transcript, 7<sup>th</sup> March 2008, pp. 5545-5550.

<sup>67</sup> Taylor trial, Transcript, 7<sup>th</sup> March 2008, p. 5571.

Prosecution of the amount he would ordinarily earn<sup>68</sup> and the days on which he would not have been working.<sup>69</sup> As the witness noted, “they gave me money, but they did not tell me the purpose for the money”.<sup>70</sup>

- (xiv) Taylor Prosecution Witness TF1-532 confirmed that the Prosecution was “always giving [him] money”,<sup>71</sup> and that even though he did not work on a Sunday he had been given money for lost wages on the 28<sup>th</sup> January 2007 which was a Sunday.<sup>72</sup> As the witness noted when asked to explain the payment, the witness stated “maybe that is the procedure of their own job”.<sup>73</sup>
- (xv) Taylor Prosecution Witness TF1-548 confirmed that he has been given money “as a reward for coming to be interviewed” and as “compensation for the efforts” he had made in coming to see the Prosecution.<sup>74</sup> The witness confirmed that whenever he met the Prosecution he would be given \$100.<sup>75</sup> The witness confirmed that he would be given money for information and sometimes it was “just possible that they wanted to help” him.<sup>76</sup>

31. It is thus clear that the WMU not only makes unwarranted and impermissible payments to witness but also has not fulfilled its disclosure obligations therein. The Prosecution has a duty to “make a statement under [Rule 68] disclosing to the defence the existence of evidence known to the Prosecutor ... which may affect the credibility of prosecution witnesses”.<sup>77</sup> The Prosecution has failed to disclose any statement detailing any other issuance of payments (whether relocation packages, housing, educational programs, day trips, social activities, leisure activities, assistance with immigration issues or any other form of assistance). The Prosecution has refused to provide any details of these aspects of the functioning of the WMU and are therefore in breach of their Rule 68 obligations. This is in addition to acting *ultra vires* Article 16, Rules 34 and 39, and the Practice Direction.

## REQUEST

32. It is trite law that at the end of the Defence case and having heard the main Defence and Prosecution witnesses, a Trial Chamber may find it absolutely necessary to call additional witnesses *proprio motu*.<sup>78</sup> The Chamber and the parties in an adversarial system have

<sup>68</sup> Taylor trial, Transcript, 1<sup>st</sup> April 2008, p. 6705

<sup>69</sup> Taylor trial, Transcript, 1<sup>st</sup> April 2008, p. 6372.

<sup>70</sup> Taylor trial, Transcript, 1<sup>st</sup> April 2008, p. 6371.

<sup>71</sup> Taylor trial, Transcript, 7<sup>th</sup> April 2008, p. 6704.

<sup>72</sup> Taylor trial, Transcript, 7<sup>th</sup> April 2008, p. 6705.

<sup>73</sup> Taylor trial, Transcript, 7<sup>th</sup> April 2008, p. 6706.

<sup>74</sup> Taylor trial, Transcript, 13<sup>th</sup> February 2008, p. 3775.

<sup>75</sup> Taylor trial, Transcript, 13<sup>th</sup> February 2008, p. 3776.

<sup>76</sup> Taylor trial, Transcript, 13<sup>th</sup> February 2008, p. 3785.

<sup>77</sup> Rule 68 of the Rules.

<sup>78</sup> Jurisprudence of the Interantional Criminal Courts and the European Court of Human Rights, Vladimir Tochilovsky, Martinus Nijhoff Publishers, Leiden 2008, at 387-88, citing *Prosecutor v. Blaškić*, IT-95-14-T, “Decision of Trial Chamber I in respect of the Appearance of General Enver Hadžihasanović”, 25 March 1999, *Prosecutor v. Blaškić*, IT-95-14-T, “Decision of Trial Chamber I in respect of the Appearance of General The Prosecutor v. Issa Hassan Sesay, Morris Kallon, and Augustine Gbao

different interests, and once it becomes clear to the Chamber that the parties are not going to call important witnesses, and once the Chamber has made the additional determination that their potential testimony might assist in the search for the truth, it would be quite inexcusable for the Chamber not to call them.<sup>79</sup>

33. It is submitted that the Orders sought are essential to establish the role of the WMU in issuing payments to witnesses and the impact on the reliability and integrity of the evidence adduced by the Prosecution in the RUF trial. In light of the manifest irregularities in payments to Prosecution witnesses in the trials at the Special Court and the failure of the Prosecution to provide any reasonable explanation or further information concerning the operations of the WMU (including the details within its knowledge of non-monetary payments), the Defence reiterates its requests in Paragraph 3 above.
34. No party in any fair adversarial process should be able to buy testimony or offer even the glimpse of an inducement to witnesses. The Trial Chamber has already found that the Prosecution previously obtained testimony by offering “hope of advantage” and through “fear”<sup>80</sup> and the available evidence suggests that this has continued throughout the trial through the issuance of impermissible and unwarranted payments.
35. There is a common perception within Sierra Leone that the Prosecution pays its witnesses. The available evidence suggests that that this may well be correct. It is submitted that a hearing in which the aforementioned issues were aired would provide transparency and an opportunity for the parties to put their case. It is submitted that the integrity of the RUF trial and the legacy of the Special Court may well have been undermined by the payments or the public perception of them. It is imperative thus that the Trial Chamber seeks the truth and restores that which has been damaged.

Dated 30<sup>th</sup> May 2008

Wayne Jordash  
Sareta Ashraph

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Philippe Morillon”, 12 May 1999, and *Prosecutor v. Blaškić*, IT-95-14-T, “Decision of Trial Chamber I in respect of the Appearance of Mr. Jean-Pierre Thébault”, 13 May 1999.

<sup>79</sup> *Prosecutor v. Krajišnik*, IT-00-39-T, “Reasons for Decision Denying Defence Motion Regarding Chamber Witnesses Biljana Plavšić and Banko Đeric and Decision on Admission into Evidence of Biljana Plavšić’s Statement and Book Extracts,” 14 August 2006, para. 13.

<sup>80</sup> *Prosecutor v. Sesay et al.*, SCSL-04-15-807, “Oral Ruling on the Admissibility of Alleged Confessional Statements obtained by Investigators of the Office of the Prosecutor from the First Accused, Issa Hassan Sesay”, 5<sup>th</sup> July 2007.

*The Prosecutor v. Issa Hassan Sesay, Morris Kallon, and Augustine Gbao*  
SCSL-04-15-T

## LIST OF AUTHORITIES

### Decisions

*Prosecutor v. Blaškić*, IT-95-14-T, “Decision of Trial Chamber I in respect of the Appearance of General Enver Hadžihasanović”, 25 March 1999.

*Prosecutor v. Blaškić*, IT-95-14-T, “Decision of Trial Chamber I in respect of the Appearance of General Philippe Morillon”, 25 March 1999.

*Prosecutor v. Blaškić*, IT-95-14-T, “Decision of Trial Chamber I in respect of the Appearance of Mr. Jean-Pierre Thébault”, 25 March 1999.

*Prosecutor v. Krajišnik*, IT-00-39-T, “Reasons for Decision Denying Defence Motion Regarding Chamber Witnesses Biljana Plavšić and Banko Đeric and Decision on Admission into Evidence of Biljana Plavšić’s Statement and Book Extracts,” 14 August 2006.

*Prosecutor v. Sesay et al.*, SCSL-04-15-807, “Oral Ruling on the Admissibility of Alleged Confessional Statements obtained by Investigators of the Office of the Prosecutor from the First Accused, Issa Hassan Sesay”, 5<sup>th</sup> July 2007.

### Publications

Jurisprudence of the Interantional Criminal Courts and the European Court of Human Rights, Vladimir Tochilovsky, Martinus Nijhoff Publishers, Leiden 2008.

## LIST OF ANNEXES

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| Annex A:              | Letter from Charles Hardaway to Mr. Jordash and Ms. Ashraph dated 27 <sup>th</sup> September 2007.  |
| Annex B:              | Impermissible Payments  |
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| Confidential Annex D: | Statement of DIS-281  |
| Annex E:              | Letter from Mr. Jordash to Mr. Harrison, dated 1 <sup>st</sup> December 2007 and reply from Mr. Flapp, dated 18 <sup>th</sup> December 2007 |

26875

**Annex A – Letter from Charles Hardaway to  
Mr. Jordash and Ms. Ashraph dated 27<sup>th</sup> September 2007.**

26876



SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

JOMO KENYATTA ROAD • NEW ENGLAND • FREETOWN • SIERRA LEONE

PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 297000

FAX: Extension: 178 7366 or +39 0831 257366 or +232 22 297366

27 September, 2007

Sesay Defence Office  
c/o Special Court for Sierra Leone

**Attention: Wayne Jordash / Sareta Ashraph**

Dear Sir / Madam,

We are able to provide you with the following information in response to your letter of 17 September 2007.

No payments were made to the following witnesses before their evidence and no payments were made after their testimony in the RUF trial that were contemplated at the time they appeared as a witness: TF1-042, TF1-044, TF1-081 (see letter of 1 March 2006), TF1-165 (see letter of 1 March 2006), TF1-168 (see letter of 1 March 2006), TF1-169 (see letter of 1 November 2005), TF1-272 (see letter of 4 July 2005), TF1-288 (see letter of 1 March 2006), TF1-296, TF1-355 and TF1-369.

We attach copies of those previously disclosed payments that were made to TF1-129 (previously provided on 6 April 2005), TF1-139 (previously provided on 30 June 2004), TF1-199 (previously provided on 30 June 2004), and TF1-366 (previously provided on 1 November 2005).

Upon consideration of your request that the Prosecution disclose the most up to date disbursements paid to all Prosecution witnesses, we have determined that it would not be appropriate to do so, nor is it required. Protective measures exist in other trials and the Prosecution must abide by those orders to prevent disclosure of information which may disclose the identities of protected witnesses in those trials, and payments subsequent to a person giving evidence, not contemplated before their testimony, is not Rule 68 material.

Yours truly,

A handwritten signature in black ink, appearing to read 'Charles Hardaway', is written over a horizontal line. The signature is fluid and cursive.

Charles Hardaway

Encl.

## ANNEX B – Impermissible Payments









26881



# Special Court for Sierra Leone All Disbursements for Witness

5

Date: Friday, October 07, 2005 Receipt No: 1128949022

Made By: AKOMEH

Reason: Payment being transportation/meal/communication for witness to travel from Pendembu to Freetown onboard public transport on 12/10/05

Category: TRANSPORT

Receipt

Amount: 80,000.00

\$US Dollars

Local Currency

Approved By: JBONZER

---

Total Disbursements	<i>\$US Dollars</i>	<i>Local Currency</i>	<i>Totals</i>	<i>No. of Payments</i>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	125,000.00	5

---

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26882



# Special Court for Sierra Leone All Disbursements for Witness

SCSLP0223

TF1-114

1

Date: Wednesday, November 17, 2004      Receipt No: 708376803

Made By: PSANNOH

Reason: Payment to Witness for Time wasted and Meals

Category: TIME WASTED/MEALS

Receipt

Amount: 10,000.00

\$US Dollars

Local Currency

Approved By: ACOMEAU

Total Disbursements	<i>\$US Dollars</i>	<i>Local Currency</i>	<i>Totals</i>	<i>No. of Payments</i>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	10,000.00	1

B-5



Special Court for Sierra Leone  
All Disbursements for Witness

[Redacted]

TF1-141

1 Date: Sunday, April 06, 2003 Receipt No: 1956553197

Made By: JSAFFA

Reason: Payment made to [Redacted] to cover cost associate to Lost Wages.

Category: LOST WAGES

Receipt

Amount: 5,000.00

\$US Dollars

Local Currency

Approved By: JSAFFA

2 Date: Thursday, February 19, 2004 Receipt No: -567626942

Made By: MKOROMA

Reason: Funds required to facilitate the attendance of [Redacted] at the Special Court field location in Koinadugu for the re-confirmation process as well as funding for lost wages.

Category: TRANSPORT/ LOST WAGES

Receipt

Amount: 10,000.00

\$US Dollars

Local Currency

Approved By: MFLOYD

Total Disbursements	<i>\$US Dollars</i>	<i>Local Currency</i>	<i>Totals</i>	<i>No. of Payments</i>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	15,000.00	2







### Special Court for Sierra Leone All Disbursements for Witness

9                                      **Date:** Thursday, September 09, 2004      **Receipt No:** 1095090080

**Made By:** ASESAY

**Reason:** Payment to witness for weekly allowance in Kenema

**Category:** ALLOWANCE

**Receipt**

**Amount:** 120,000.00

**\$US Dollars**

**Local Currency**

**Approved By:** MFLOYD

---

10                                      **Date:** Wednesday, October 06, 2004      **Receipt No:** 1308440286

**Made By:** JTOMMY

**Reason:** Payment to witness for Transportation/Feeding/Communication from Kenema to Freetown.

**Category:** TRANSPORT/COMMUNICATION/FEEDING

**Receipt**

**Amount:** 70,000.00

**\$US Dollars**

**Local Currency**

**Approved By:** MFLOYD

---

11                                      **Date:** Thursday, December 09, 2004      **Receipt No:** 1103016501

**Made By:** tlahun

**Reason:** Payment to Witness for Transportation from Kenema to Freetown and Meals

**Category:** TRANSPORT/MEALS

**Receipt**

**Amount:** 25,000.00

**\$US Dollars**

**Local Currency**

**Approved By:** ACOMEAU

---

Total Disbursements	\$US Dollars	Local Currency	Totals	No. of Payments
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	315,700.00	11

---







26889



### Special Court for Sierra Leone All Disbursements for Witness

9                                      Date: Wednesday, October 06, 2004      Receipt No: 1308440286

Made By: JTOMMY

Reason: Payment to witness for Transportation/Feeding/Communication from Kenema to Freetown.

Category: TRANSPORT/COMMUNICATION/FEEDIN                                      Receipt   
G

Amount: 70,000.00                                       \$US Dollars                                       Local Currency

Approved By: MFLOYD

---

10    Date: Thursday, December 09, 2004      Receipt No: 1103016501

Made By: tlahun

Reason: Payment to Witness for Transportation from Kenema to Freetown and Meals

Category: TRANSPORT/MEALS    Receipt

Amount: 25,000.00                                       \$US Dollars                                       Local Currency

Approved By: ACOMEAU

---

Total Disbursements	<i>SUS Dollars</i>	<i>Local Currency</i>	<i>Totals</i>	<i>No. of Payments</i>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	665,700.00	10

---

B-12









### Special Court for Sierra Leone All Disbursements for Witness

5                                    **Date:**    Wednesday, March 22, 2006    **Receipt No:** 1143539932

**Made By:** RLARDER

**Reason:** Travel to meet with handlers

**Category:** TRANSPORT

**Receipt**

**Amount:** 80,000.00

**\$US Dollars**

**Local Currency**

**Approved By:**    GMORISSETTE

---

6                                    **Date:**            Friday, April 21, 2006    **Receipt No:** 1145954517

**Made By:** RLARDER

**Reason:** For house furniture, lost wages and med expenses.

**Category:** FAMILY

**Receipt**

**Amount:** 3,000.00

**\$US Dollars**

**Local Currency**

**Approved By:**    JVBERRY

---

7                                    **Date:**            Thursday, June 01, 2006    **Receipt No:** 1841332631

**Made By:** Imaccormack

**Reason:** Relocation expenses for witness

**Category:** PROPERTY

**Receipt**

**Amount:** 740.00

**\$US Dollars**

**Local Currency**

**Approved By:**    GMORISSETTE

---

8                                    **Date:**            Tuesday, June 20, 2006    **Receipt No:** -134960210

**Made By:** RLARDER

**Reason:** Costs associated with relocation

**Category:** PROPERTY

**Receipt**

**Amount:** 2,030.00

**\$US Dollars**

**Local Currency**

**Approved By:**    GMORISSETTE

---

26894



**Special Court for Sierra Leone  
All Disbursements for Witness**

<b>Total Disbursements</b>	<b><i>\$US Dollars</i></b>	<b><i>Local Currency</i></b>	<b><i>Totals</i></b>	<b><i>No. of Payments</i></b>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	9,070.00	7
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	30,000.00	1

---





Special Court for Sierra Leone  
All Disbursements for Witness

SCSLP0795

1 *TFI -*  
*Witness Jerry* Date: Wednesday, October 22, 2003 Receipt No:

Made By: ASESAY

Reason: Payment made to unknown witness for time wasted and lost wages.

Category: LOST WAGES/TIME WASTED Receipt

Amount: 5,000.00  \$US Dollars  Local Currency

Approved By: GMORISSETTE

---

2 Date: Thursday, October 23, 2003 Receipt No:

Made By: ASESAY

Reason: Payment made to unknown witness for time wasted.

Category: TIME WASTED Receipt

Amount: 5,000.00  \$US Dollars  Local Currency

Approved By: GMORISSETTE

---

3 Date: Thursday, October 23, 2003 Receipt No:

Made By: ASESAY

Reason: Payment made to unknown witness for time wasted.

Category: TIME WASTED Receipt

Amount: 5,000.00  \$US Dollars  Local Currency

Approved By: GMORISSETTE

---

Total Disbursements	\$US Dollars	Local Currency	Totals	No. of Payments
		<input checked="" type="checkbox"/>	15,000.00	3

---



**Special Court for Sierra Leone  
All Disbursements for Witness**

26896  
**TF1-356**

**SCSLP0752**

---

1                                   **Date:**           Tuesday, May 04, 2004   **Receipt No:** 1083771824

**Made By:** MCORDWELL

**Reason:** Payment to Witness to cover costs for accommodation, 25,000, meals, 10,000, transportation, 5,000 and lost wages, 5,000 while attending the Special Cort for investigative purposes.

**Category:** ACCOMODATION,MEALS,TRANSPORTATION AND LOST WAGES                                   **Receipt**

**Amount:** 45,000.00                                    **\$US Dollars**            **Local Currency**

**Approved By:** PHALLORAN

---

**TF1-356**

---

2                                   **Date:**           Friday, April 16, 2004   **Receipt No:** 1082116255

**Made By:** MCORDWELL

**Reason:** Payment required to facilitate the attendance of Witness at the Special Court from Makeni for investgative purposes. 3 nights accomodation utilised at Avancer Motel. Transportation provided for SCSLP0752 to return to Makeni.

**Category:** ACCOMMODATION/MEALS/TRANSPORT                                   **Receipt**

**Amount:** 125,000.00                                    **\$US Dollars**            **Local Currency**

**Approved By:** PHALLORAN

---

3                                   **Date:**           Wednesday, May 05, 2004   **Receipt No:** 1466379761

**Made By:** MCORDWELL

**Reason:** Payment to Witness to cover costs for accommodation, 25, 300, meals, 10,000, return transportation to Makeni, 20,000, and medical supplies,37,500 upon the completion of the investigative process.

**Category:** ACCOMMODATION,MEALS,TRANSPORTATION AND MEDICINE                                   **Receipt**

**Amount:** 92,500.00                                    **\$US Dollars**            **Local Currency**

**Approved By:** PHALLORAN

---

<b>Total Disbursements</b>	<b>\$US Dollars</b>	<b>Local Currency</b>	<b>Totals</b>	<b>No. of Payments</b>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	262,500.00	3

---

**Annex C – Excessive or Duplicative Payments**

26898



# Special Court for Sierra Leone All Disbursements for Witness

SCSLP0437

TF2 - 027/TF1-035

---

1                                      **Date:**      Thursday, January 15, 2004      **Receipt No:** -1258552211

**Made By:** MKOROMA

**Reason:** Funds required to facilitate the attendance of Witness at the Special Court field location for the re-confirmation process. Also provided funding for feeding in the amount of 5,000 leones.

**Category:** TRANSPORT/ LOST WAGES/FOOD                                      **Receipt**

**Amount:** 32,000.00                                       **\$US Dollars**                                       **Local Currency**

**Approved By:**    tgbekie

---

TF2-027/TF1-035

---

2    **Date:**      Thursday, January 15, 2004      **Receipt No:** 371723477

**Made By:** ASESAY

**Reason:** Funds required to facilitate the attendance of Witness at the Special Court field location in Kenema for the re-confirmation process. Please see note on original receipt held on file which was originally identified as Witness.

**Category:** TRANSPORT/ LOST WAGES                                      **Receipt**

**Amount:** 27,000.00                                       **\$US Dollars**                                       **Local Currency**

**Approved By:**    tlahun

---

3    **Date:**      Friday, February 04, 2005      **Receipt No:** -531339795

**Made By:** MKOROMA

**Reason:** Payment to witness for Meals.

**Category:** MEALS    **Receipt**

**Amount:** 10,000.00                                       **\$US Dollars**                                       **Local Currency**

**Approved By:**    ACOMEAU

---

4    **Date:**      Tuesday, February 15, 2005      **Receipt No:** 1108467891

**Made By:** JBONZER

**Reason:** Payment to Witness for reimbursement for lost funds

**Category:** REIMBURSEMENT    **Receipt**

**Amount:** 140,000.00                                       **\$US Dollars**                                       **Local Currency**

**Approved By:**    ACOMEAU

---

C-1

26899



### Special Court for Sierra Leone All Disbursements for Witness

5                                      Date:      Wednesday, March 16, 2005      Receipt No: 732072880

Made By: ASESAY

Reason: Payment to witness for transport /meals/communication to travel to Freetown from Bo for prepping.

Category: TRANSPORT

Receipt

Amount: 35,000.00

\$US Dollars

Local Currency

Approved By:      ACOMEAU

---

6    Date:      Monday, March 21, 2005      Receipt No: 1111404960

Made By: JBONZER

Reason: Transport home from Special Court after meeting with Witness Management Unit

Category: TRANSPORT

Receipt

Amount: 40,000.00

\$US Dollars

Local Currency

Approved By:      ACOMEAU

---

Total Disbursements	\$US Dollars	Local Currency	Totals	No. of Payments
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	284,000.00	6

---

C-2

26900



# Special Court for Sierra Leone All Disbursements for Witness

TF1-046

1 Date: Wednesday, October 23, 2002 Receipt No: 2092644146

Made By: GMORISSETTE

Reason: Payment made to [REDACTED] to cover cost associated to Maintenance \$250 USD

Category: MAINTENANCE

Receipt

Amount: 250.00

SUS Dollars

Local Currency

Approved By: GMORISSETTE

---

2 Date: Friday, November 01, 2002 Receipt No: 473921712

Made By: GMORISSETTE

Reason: Payment made to [REDACTED] to cover cost associated to Maintenance \$ 100 USD

Category: MAINTENANCE

Receipt

Amount: 100.00

SUS Dollars

Local Currency

Approved By: GMORISSETTE

---

3 Date: Monday, February 17, 2003 Receipt No: 2026491486

Made By: GMORISSETTE

Reason: Payment made to [REDACTED] to cover cost associated to Transportation, Communication and Medical

Category: TRANSPORT/MEDICAL/COMMUNICATIONS

Receipt

Amount: 120,000.00

SUS Dollars

Local Currency

Approved By: GMORISSETTE

---

4 Date: Wednesday, February 19, 2003 Receipt No: -188557432

Made By: JBERRY

Reason: Payment made to [REDACTED] to cover cost associated to Meals

Category: MEALS

Receipt

Amount: 5,000.00

SUS Dollars

Local Currency

Approved By: JBERRY

---

C-3





Special Court for Sierra Leone  
All Disbursements for Witness

9 Date: Monday, March 10, 2003 Receipt No: -235611901

Made By: SWEHREBERG

Reason: Payment made to [REDACTED] to cover cost associated to Meals

Category: MEALS

Receipt

Amount: 86,000.00

SUS Dollars

Local Currency

Approved By: SWEHREBERG

---

10 Date: Monday, March 10, 2003 Receipt No: -1287810998

Made By: SWEHREBERG

Reason: Payment made to [REDACTED] to cover cost associated to Maintenance

Category: MAINTENANCE

Receipt

Amount: 100,000.00

SUS Dollars

Local Currency

Approved By: SWEHREBERG

---

11 Date: Sunday, October 26, 2003 Receipt No: 1929355211

Made By: GMORISSETTE

Reason: Payment made to [REDACTED] to cover cost associated to Maintenance \$200 USD

Category: MAINTENANCE

Receipt

Amount: 200.00

SUS Dollars

Local Currency

Approved By: GMORISSETTE

---

12 Date: Wednesday, October 29, 2003 Receipt No: -1107780715

Made By: GMORISSETTE

Reason: Payment made to [REDACTED] to cover cost associated to Transportation

Category: TRANSPORT

Receipt

Amount: 20,000.00

SUS Dollars

Local Currency

Approved By: GMORISSETTE

---











Special Court for Sierra Leone  
All Disbursements for Witness

9 Date: Thursday, December 19, 2002 Receipt No: 1705967316

Made By: AWHITE

Reason: Payment made to SCSLP0757 for subsistence allowance by Al White.

Category: SUBSISTANCE ALLOWANCE Receipt

Amount: 281.00  \$US Dollars  Local Currency

Approved By: AWHITE

---

10 Date: Tuesday, December 31, 2002 Receipt No: -642937670

Made By: AWHITE

Reason: Payment to purchase Airline Tickets for SCSLP0757, Wife and Eight(8) Children to Monrovia/Ghana/US.

Category: AIRLINE TICKET Receipt

Amount: 4,700.00  \$US Dollars  Local Currency

Approved By: AWHITE

---

11 Date: Wednesday, January 08, 2003 Receipt No: 1089624212

Made By: AWHITE

Reason: Payment obtain lodging, purchase clothing, food and miscellaneous expenses for SCSLP0757 and Nine (9) family members.

Category: Receipt

Amount: 6,180.00  \$US Dollars  Local Currency

Approved By: AWHITE

---

12 Date: Friday, October 31, 2003 Receipt No: -1447738555

Made By: AWHITE

Reason: Payment made to SCSLP0757 for communications, top up card and subsistence for family, by Al White.

Category: COMMUNICATIONS Receipt

Amount: 500.00  \$US Dollars  Local Currency

Approved By: AWHITE

---

26907



# Special Court for Sierra Leone All Disbursements for Witness

[REDACTED]

TF1-151

1 Date: Thursday, December 12, 2002 Receipt No: 523869625

Made By: AWHITE

Reason: Payment made by Gerry Stevens on behalf of OTP investigations.

Category: MAINTENANCE

Receipt

Amount: 392,000.00

SUS Dollars

Local Currency

Approved By: AWHITE

2 Date: Thursday, December 12, 2002 Receipt No: 390993981

Made By: AWHITE

Reason: Payment made to [REDACTED] by Al White for clothing and luggage.

Category: CLOTHING AND LUGGAGE

Receipt

Amount: 400.00

SUS Dollars

Local Currency

Approved By: AWHITE

3 Date: Monday, December 16, 2002 Receipt No: 1533720868

Made By: GMORISSETTE

Reason: Payment made to [REDACTED] for maintenance costs.

Category: MAINTENANCE

Receipt

Amount: 50,000.00

SUS Dollars

Local Currency

Approved By: AWHITE

4 Date: Monday, December 16, 2002 Receipt No: -1994857643

Made By: GMORISSETTE

Reason: Payment made by John Berry on behalf of OTP Investigations for the purchase of fuel.

Category: PURCHASE OF FUEL

Receipt

Amount: 50,000.00

SUS Dollars

Local Currency

Approved By: AWHITE

C-10



26909



### Special Court for Sierra Leone All Disbursements for Witness

9                                      Date:    Wednesday, January 15, 2003    Receipt No: -1825266617

Made By: AWHITE

Reason: Payment made for maintenance by Desmond de Silva on behalf of OTP Investigations.

Category: MAINTENANCE

Receipt

Amount: 75.00

SUS Dollars

Local Currency

Approved By:    AWHITE

---

10                                      Date:    Wednesday, January 15, 2003    Receipt No: -1099024610

Made By: GMORISSETTE

Reason: Payment made for maintenance on behalf of OTP Investigations.

Category: MAINTENANCE

Receipt

Amount: 17,500.00

SUS Dollars

Local Currency

Approved By:    AWHITE

---

11                                      Date:    Monday, January 20, 2003    Receipt No: 446212732

Made By: AWHITE

Reason: Payment made by Louise Taylor on behalf of OTP Investigations for Airline tickets for [REDACTED]

Category: TRANSPORTATION (AIRLINE TICKETS)

Receipt

Amount: 1,550.00

SUS Dollars

Local Currency

Approved By:    AWHITE

---

12                                      Date:    Monday, January 20, 2003    Receipt No: 151085005

Made By: AWHITE

Reason: Payment made for maintenance by Louise Taylor on behalf of OTP Investigations.

Category: MAINTENANCE

Receipt

Amount: 10,000.00

SUS Dollars

Local Currency

Approved By:    AWHITE

---

C-12

26910



### Special Court for Sierra Leone All Disbursements for Witness

13                      Date:      Thursday, January 30, 2003      Receipt No: -2087713526

Made By: AWHITE

Reason: Payment made by Chris Santora for Visa photographs on behalf of OTP Investigations.

Category: VISA PHOTOGRAPHS                      Receipt

Amount: 10,000.00                       \$US Dollars       Local Currency

Approved By:      AWHITE

---

14                      Date:      Friday, January 31, 2003      Receipt No: 358080195

Made By: AWHITE

Reason: Payment made by Louise Taylor on behalf of OTP Investigations.

Category: MAINTENANCE (CLOTHING)                      Receipt

Amount: 78,000.00                       \$US Dollars       Local Currency

Approved By:      AWHITE

---

15                      Date:      Thursday, February 13, 2003      Receipt No: -732603832

Made By: GMORISSETTE

Reason: Payment made to SCSLP0217 for transportation and communication.

Category: TRANSPORTATION AND COMMUNICATION                      Receipt

Amount: 238.00                       \$US Dollars       Local Currency

Approved By:      AWHITE

---

16                      Date:      Wednesday, February 26, 2003      Receipt No: 740134569

Made By: AWHITE

Reason: Payment made by Desmond de Silva on behalf of OTP Investigations.

Category: COMMUNICATIONS                      Receipt

Amount: 2,204,000.00                       \$US Dollars       Local Currency

Approved By:      AWHITE

---

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### Special Court for Sierra Leone All Disbursements for Witness

Total Disbursements	<i>SUS Dollars</i>	<i>Local Currency</i>	<i>Totals</i>	<i>No. of Payments</i>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	4,486.00	7
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,916,500.00	9

---





**Special Court for Sierra Leone  
All Disbursements for Witness**

5                      **Date:** Friday, June 11, 2004    **Receipt No:** 1395631316  
**Made By:** MCORDWELL  
**Reason:** Funds required to facilitate the attendance of Witness the Special Court for Interview process.  
**Category:** LOST WAGES/MEALS                                      **Receipt**   
**Amount:** 15,000.00                                       \$US Dollars     Local Currency  
**Approved By:** MCORDWELL

---

6                      **Date:** Friday, December 10, 2004    **Receipt No:** 2042601135  
**Made By:** UKAMARA  
**Reason:** Payment to witness for Lost wages and Meals  
**Category:** LOST WAGES/MEALS                                      **Receipt**   
**Amount:** 10,000.00                                       \$US Dollars     Local Currency  
**Approved By:** ACOMEAU

---

7                      **Date:** Wednesday, December 22, 2004    **Receipt No:** -1878534409  
**Made By:** UKAMARA  
**Reason:** Payment for transport/meals for witness to travel to Freetown from [redacted] on public transport for prepping by Prosecuting counsel.  
**Category:** TRANSPORT    **Receipt**   
**Amount:** 25,000.00                                       \$US Dollars     Local Currency  
**Approved By:** MSAMBA

---

8                      **Date:** Monday, April 04, 2005    **Receipt No:** 1826926346  
**Made By:** ASESAY  
**Reason:** Being payment to Witness for Meals whilst travelling to Freetown  
**Category:** MEALS    **Receipt**   
**Amount:** 10,000.00                                       \$US Dollars     Local Currency  
**Approved By:** JBONZER

---



**Special Court for Sierra Leone  
All Disbursements for Witness**

9                               **Date:**       Tuesday, May 17, 2005   **Receipt No:** 1751974076

**Made By:** ASESAY

**Reason:** Being payment to Witness for Transportation and Meals

**Category:** TRANSPORT/MEALS

**Receipt**

**Amount:** 10,000.00

**SUS Dollars**

**Local Currency**

**Approved By:** MCLAREN

---

10                               **Date:**       Tuesday, May 17, 2005   **Receipt No:** 1116502919

**Made By:** ASESAY

**Reason:** Being payment to Witness for Medication.

**Category:** MEDICAL

**Receipt**

**Amount:** 10,000.00

**SUS Dollars**

**Local Currency**

**Approved By:** MCLAREN

---

11                               **Date:**       Tuesday, June 07, 2005   **Receipt No:** 1118673031

**Made By:** ASESAY

**Reason:** Being payment to witness for Transport from [redacted] to Freetown /Meals and Communication

**Category:** TRANSPORT/ MEALS/COMMUNICATION

**Receipt**

**Amount:** 40,000.00

**SUS Dollars**

**Local Currency**

**Approved By:** PMCLAREN

---

12                               **Date:**       Tuesday, June 07, 2005   **Receipt No:** -630258102

**Made By:** ASESAY

**Reason:** Being payment to witness for Transport

**Category:** TRANSPORT

**Receipt**

**Amount:** 5,000.00

**SUS Dollars**

**Local Currency**

**Approved By:** PMCLAREN

---



**Special Court for Sierra Leone**  
**All Disbursements for Witness**

13

**Date:** Monday, January 23, 2006    **Receipt No:** 1138194543

**Made By:** ASESAY

**Reason:** PAYMENT MADE TO WITNESS FOR TRANSPORTATION TO FACILITATE HIS MOVEMENT WITHIN FREETOWN.

**Category:** TRANSPORT

**Receipt**

**Amount:** 10,000.00

SUS Dollars

Local Currency

**Approved By:** PMCLAREN

---

14

**Date:** Wednesday, January 25, 2006    **Receipt No:** -1277958780

**Made By:** ASESAY

**Reason:** PAYMENT MADE TO WITNESS FOR TOP UP CARD TO FACILITATE COMMUNICATION BETWEEN HIMSELF AND THE OTP.

**Category:** INFORMATION

**Receipt**

**Amount:** 15,000.00

SUS Dollars

Local Currency

**Approved By:** PMCLAREN

---

15

**Date:** Thursday, January 26, 2006    **Receipt No:** 1138271791

**Made By:** PMCLAREN

**Reason:** Accommodation, meals, assistance, and top up card for the next two days that this witness is assisting us.

**Category:** TRANSPORT

**Receipt**

**Amount:** 100,000.00

SUS Dollars

Local Currency

**Approved By:** GMORISSETTE

---

16

**Date:** Friday, February 03, 2006    **Receipt No:** 1138969621

**Made By:** PMCLAREN

**Reason:** Accommodations, meals, repairs to motor vehicle and to top up phone card for two days that this witness is assisting us

**Category:** TRANSPORT/ LOST WAGES

**Receipt**

**Amount:** 250,000.00

SUS Dollars

Local Currency

**Approved By:** PMCLAREN

---



**Special Court for Sierra Leone  
All Disbursements for Witness**

17 **Date:** Monday, February 06, 2006 **Receipt No:** 1140001849  
**Made By:** RLARDER  
**Reason:** Le 50,000 to cover meals and transport  
 Le 450,000 to cover source information in assisting in locating witness for Prosecutors Office  
**Category:** INFORMATION **Receipt**   
**Amount:** 500,000.00  \$US Dollars  Local Currency  
**Approved By:** GMORISSETTE

---

18 **Date:** Tuesday, February 07, 2006 **Receipt No:** 1139328993  
**Made By:** UKAMARA  
**Reason:** 1 night accommodation plus transport and meal to subject whilst assisting us with  
 investigational matters.  
**Category:** INFORMATION **Receipt**   
**Amount:** 50,000.00  \$US Dollars  Local Currency  
**Approved By:** PMCLAREN

---

19 **Date:** Monday, February 20, 2006 **Receipt No:** 1140527025  
**Made By:** RLARDER  
**Reason:** Source Information  
**Category:** INFORMATION **Receipt**   
**Amount:** 350,000.00  \$US Dollars  Local Currency  
**Approved By:** PMCLAREN

---

20 **Date:** Sunday, April 02, 2006 **Receipt No:** 1139063491  
**Made By:** PMCLAREN  
**Reason:** Subject requested to stay 3 more nights to assist us with investigational matter  
 3 nights accomodation - LE 90,000  
 3 days meals - LE 30,000  
 Transport for the three days and top up card. LE 30,000  
**Category:** INFORMATION **Receipt**   
**Amount:** 150,000.00  \$US Dollars  Local Currency  
**Approved By:** PMCLAREN

---

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### Special Court for Sierra Leone All Disbursements for Witness

21 Date: Tuesday, November 21, 2006 Receipt No: 948527653

Made By: SSWART

Reason: Le. 5,000 - Transportation to Waterloo to collect Motor Bike.  
Le. 45,000 - Cost of new tyre for motor bike - witness rode from [redacted] to Freetown to enable interview. The front tyre needed to be completely replaced.

Category: TRANSPORT Receipt

Amount: 50,000.00  SUS Dollars  Local Currency

Approved By: SSWART

---

22 Date: Thursday, December 07, 2006 Receipt No: -492946647

Made By: SNIEMI

Reason: Family assistance while witness doing prepping for CT trial

Category: FAMILY Receipt

Amount: 50,000.00  SUS Dollars  Local Currency

Approved By: RLARDER

---

23 Date: Tuesday, December 12, 2006 Receipt No: 1165912967

Made By: UKAMARA

Reason: Remainder of family assistance while witness at SCSL for prepping.

Category: FAMILY Receipt

Amount: 50,000.00  SUS Dollars  Local Currency

Approved By: RLARDER

---

24 Date: Saturday, January 27, 2007 Receipt No: -566075004

Made By: PSANNOH

Reason: Payment for Transportation and Meals for witness - [redacted] to Freetown, for clarification/prepping interviews

Category: TRANSPORT/MEALS Receipt

Amount: 30,000.00  SUS Dollars  Local Currency

Approved By: SSWART

---

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**Special Court for Sierra Leone  
All Disbursements for Witness**

29                      **Date:**        Wednesday, July 18, 2007    **Receipt No:** -612832866

**Made By:** SSWART

**Reason:** Top Up Card provided to enable witness to make contact with OTP

**Category:** COMMUNICATION

**Receipt**

**Amount:** 30,000.00

**SUS Dollars**

**Local Currency**

**Approved By:** SSWART

---

30                      **Date:**        Thursday, July 19, 2007    **Receipt No:** -12434177

**Made By:** SSWART

**Reason:** Medical Expenses due to malaria and subsequent hospitalization.

**Category:** MEDICAL

**Receipt**

**Amount:** 50,000.00

**SUS Dollars**

**Local Currency**

**Approved By:** SSWART

---

31                      **Date:**        Friday, July 20, 2007    **Receipt No:** 1184935689

**Made By:** CMORRIS

**Reason:**

**Category:** COMMUNICATION

**Receipt**

**Amount:** 30,000.00

**SUS Dollars**

**Local Currency**

**Approved By:** SSWART

---

32                      **Date:**        Tuesday, August 14, 2007    **Receipt No:** -346936784

**Made By:** ISESAY

**Reason:** CELL PHONE FOR COMMUNICATION WITH SCSL WITHINVESTIGATORS AND WMU

**Category:** COMMUNICATION

**Receipt**

**Amount:** 130,000.00

**SUS Dollars**

**Local Currency**

**Approved By:** RDLACK

---



Special Court for Sierra Leone  
All Disbursements for Witness

33

Date: Wednesday, September 05, 2007 Receipt No: 611518933

Made By: SSWART

Reason: Top Up Card to facilitate communication with OTP during clarification interviews

Category: COMMUNICATION

Receipt

Amount: 15,000.00

SUS Dollars

Local Currency

Approved By: SSWART

---

34

Date: Wednesday, September 12, 2007 Receipt No: 1189607893

Made By: PTRAINOR

Reason:

Category: Communication

Receipt

Amount: 30,000.00

SUS Dollars

Local Currency

Approved By: PTRAINOR

---

35

Date: Thursday, September 13, 2007 Receipt No: 1189678557

Made By: PTRAINOR

Reason:

Category: Communication

Receipt

Amount: 30,000.00

SUS Dollars

Local Currency

Approved By: PTRAINOR

---

36

Date: Wednesday, September 19, 2007 Receipt No: 1156647253

Made By: PTRAINOR

Reason:

Category: Communication

Receipt

Amount: 30,000.00

SUS Dollars

Local Currency

Approved By: PTRAINOR

---



**Special Court for Sierra Leone  
All Disbursements for Witness**

37

Date: Wednesday, October 10, 2007 Receipt No: 1192012971

Made By: RDIACK

Reason: TOP UP CARD AND REPAIRS TO SMALL GENERATOR 30,000 PLUS 30,000

Category: COMMUNICATION

Receipt

Amount: 60,000.00

\$US Dollars

Local Currency

Approved By: RDIACK

---

38

Date: Tuesday, November 06, 2007 Receipt No:

Made By: PTRAINOR

Reason:

Category: Communication

Receipt

Amount: 30,000.00

\$US Dollars

Local Currency

Approved By: PTRAINOR

---

39

Date: Monday, November 19, 2007 Receipt No: 1455761055

Made By: PTRAINOR

Reason:

Category: Meals

Receipt

Amount: 10,000.00

\$US Dollars

Local Currency

Approved By: PTRAINOR

---

40

Date: Thursday, November 22, 2007 Receipt No: 1195743346

Made By: PTRAINOR

Reason:

Category: Communication

Receipt

Amount: 30,000.00

\$US Dollars

Local Currency

Approved By: PTRAINOR

---



**Special Court for Sierra Leone  
All Disbursements for Witness**

41                      **Date:** Tuesday, December 04, 2007    **Receipt No:** 1196778941

**Made By:** RDIACK

**Reason:** Communication - as sub resides in remote village

**Category:** INFORMATION

**Receipt**

**Amount:** 30,000.00

**SUS Dollars**

**Local Currency**

**Approved By:** RDIACK

---

42                      **Date:** Tuesday, December 04, 2007    **Receipt No:** 1196768925

**Made By:** PTRAINOR

**Reason:** Money paid to repair motorbike to travel to Freetown for prepping.

**Category:** TRANSPORT

**Receipt**

**Amount:** 135,000.00

**SUS Dollars**

**Local Currency**

**Approved By:** PTRAINOR

---

43                      **Date:** Monday, December 17, 2007    **Receipt No:** 1197890569

**Made By:** RDIACK

**Reason:** communication card required to communicate withSCSL as sub is residing in remote village

**Category:** INFORMATION

**Receipt**

**Amount:** 30,000.00

**SUS Dollars**

**Local Currency**

**Approved By:** RDIACK

---

44                      **Date:** Thursday, January 03, 2008    **Receipt No:** 1199358170

**Made By:** RDIACK

**Reason:** communication for cellphone as witness is in remote village and required as first session witness.

**Category:** INFORMATION

**Receipt**

**Amount:** 30,000.00

**SUS Dollars**

**Local Currency**

**Approved By:** RDIACK

---



**Special Court for Sierra Leone  
All Disbursements for Witness**

<b>Total Disbursements</b>	<b><i>\$US Dollars</i></b>	<b><i>Local Currency</i></b>	<b><i>Totals</i></b>	<b><i>No. of Payments</i></b>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>2,615,025.00</b>	<b>41</b>
	<input type="checkbox"/>	<input type="checkbox"/>	<b>0.00</b>	<b>3</b>

---







### Special Court for Sierra Leone All Disbursements for Witness

9                                      Date: Monday, November 08, 2004      Receipt No: 1110795620

Made By: YDAFAE

Reason: Payment to Kingtom Guest House for Witness for One Night

Category: ACCOMODATION                                      Receipt

Amount: 40,000.00                                       \$US Dollars       Local Currency

Approved By: ACOMEAU

---

10                                      Date: Tuesday, November 09, 2004      Receipt No: 1755501488

Made By: YDAFAE

Reason: Payment to Kingtom Guest House for Witness for Two Nights

Category: ACCOMODATION                                      Receipt

Amount: 80,000.00                                       \$US Dollars       Local Currency

Approved By: ACOMEAU

---

11                                      Date: Thursday, November 11, 2004      Receipt No: 61621963

Made By: YDAFAE

Reason: Payment to Kingtom Guest House for Witness for Four Nights

Category: ACCOMODATION                                      Receipt

Amount: 160,000.00                                       \$US Dollars       Local Currency

Approved By: ACOMEAU

---

12                                      Date: Friday, November 12, 2004      Receipt No: 1424531806

Made By: YDAFAE

Reason: Payment to Witness for Food for Seven days (7)

Category: FOOD    Receipt

Amount: 70,000.00                                       \$US Dollars       Local Currency

Approved By: ACOMEAU

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### Special Court for Sierra Leone All Disbursements for Witness

13                      Date: Tuesday, November 16, 2004    Receipt No: -278998649

Made By: YDAFAE

Reason: Payment to Witness for Food, Snacks and Drinks.

Category: FOOD/DRINKS/SNACKS

Receipt

Amount: 50,000.00

\$US Dollars

Local Currency

Approved By: ACOMEAU

---

14                      Date: Tuesday, November 16, 2004    Receipt No: -1846795330

Made By: PSANNOH

Reason: Payment to Witness for Meals

Category: MEALS

Receipt

Amount: 20,000.00

\$US Dollars

Local Currency

Approved By: ACOMEAU

---

15                      Date: Wednesday, November 17, 2004    Receipt No: -2011235225

Made By: PSANNOH

Reason: Payment to Witness for Family attendance

Category: FAMILY ATTENDANCE

Receipt

Amount: 150,000.00

\$US Dollars

Local Currency

Approved By: ACOMEAU

---

16                      Date: Thursday, November 18, 2004    Receipt No: 452388892

Made By: PSANNOH

Reason: Payment to Witness for Meals

Category: MEALS

Receipt

Amount: 10,000.00

\$US Dollars

Local Currency

Approved By: ACOMEAU

---



### Special Court for Sierra Leone All Disbursements for Witness

17                                      Date:      Friday, November 19, 2004      Receipt No: 217052397

Made By: PSANNOH

Reason: Payment to Witness for Meals

Category: MEALS

Receipt

Amount: 20,000.00

\$US Dollars

Local Currency

Approved By:    ACOMEAU

---

18    Date:      Monday, November 22, 2004      Receipt No: 24816277

Made By: YDAFAE

Reason: Payment to Kingtom Guest House for Witness for Two Nights

Category: ACCOMODATION

Receipt

Amount: 80,000.00

\$US Dollars

Local Currency

Approved By:    ACOMEAU

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SPECIAL COURT FOR SIERRA LEONE  
JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE  
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UN Intermission 178 7000 or 178 (+Ext)  
FAX: +232 22 297001 or UN Intermission: 178 7001

Court Management Section – Court Records

**CONFIDENTIAL DOCUMENT CERTIFICATE**

This certificate replaces the following confidential document which has been filed in the *Confidential* Case File.

Case Name: The Prosecutor – v- Sesay, Kallon & Gbao  
Case Number: SCSL-2004-15-T  
Document Index Number: 1161  
Document Date 30 May, 2008  
Filing Date 30 May, 2008 at 15:58  
Number of confidential pages: 4  
Page Number: **26929-26932**

Document Type: -

- Affidavit
- Indictment
- Motion**
- Order
- Other
- Decision
- Response
- Application

Document Title      **Motion to Request the Trial Chamber to Hear Evidence Concerning the Prosecution's Witness Management Unit And Its payment to Witnesses**

Name of Officer:

**Elaine Bola Clarkson**

Signed:

A handwritten signature in black ink, appearing to read 'Elaine', is written over the printed name and the 'Signed:' label.

**Annex E – Letter from Mr. Jordash to Mr. Harrison,  
dated 1<sup>st</sup> December 2007 and reply from Mr. Rapp,  
dated 18<sup>th</sup> December 2007**



**SPECIAL COURT FOR SIERRA LEONE**  
**JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE**  
**SESAY DEFENCE TEAM**

Telephone: +232 22 297214 • Email: [defence-sesay@un.org](mailto:defence-sesay@un.org)

1<sup>st</sup> December 2007

Dear Mr. Harrison,

As you will appreciate we are half way through the Sesay defence case and would wish to seek clarification on a number of trial related issues concerning the operation of the WMU and its role within the court. We have become aware through an advertisement on the SCSL website that it has a number of functions, inter alia:

- Directing and supervising of the financial control of all payments made to or for a witness by the Office Of the Prosecutor

We have also become aware that its functions are independent of the WVS which we understand is the only institution in the court statutorily mandated pursuant to Article 16 of the Statute of the Special Court to provide “assistance” for witnesses by way of protective measures and security arrangements. We note however that Rule 39(ii) of the Rules states that the Prosecutor may take all “measures deemed necessary for the purpose of the investigation, including the taking of any special measures to provide for the safety, the support, and the assistance of potential witnesses and sources”. We therefore seek clarification concerning the role played by the WMU and the assistance it has provided to the Prosecution witnesses in the RUF case.

We would request any answers you are able to provide concerning the following:

- (i) Who does the Chief of WMU report to?
- (ii) The role played by the WMU in providing assistance to witnesses or potential witnesses, namely what types of assistance it provides to witnesses (whether monies, relocation, housing, educational programs, health care, top up cards, meals, day trips, social activities, leisure facilities (e.g. televisions, home furnishings) release from imprisonment, help with immigration issues or criminal charge or civil penalty and any other material, leisure or service facility);
- (iii) The specific assistance it has provided in relation to all the RUF witnesses and the reasons for that assistance;
- (iv) Proof of the assistance, whether receipts or other records, indicating the assistance and the reasons for it;
- (v) The criteria used by WMU to determine the assistance required and the manner in which the criteria departs from that employed by the WVS; including whether the

- WVS has any input or veto on the WMU assistance provided to the RUF witnesses and the exact relationship between the WMU and the WVS;
- (vi) A detailed breakdown of the budget of the WMU and the source of the budget
  - (vii) Who or which aspect of the SCSL has oversight of the WMU accounts and
  - (viii) A detailed breakdown of the amount of money which has been spent providing assistance to RUF prosecution witnesses, both prior to, during and after testimony.

We await any clarification you are able to provide. Given the potential importance of the issue in terms of the WMU's impact upon the trial process we would appreciate an individual response to each enquiry.

Regards,

Wayne Jordash  
Lead Counsel, Sesay Defence team



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SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

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FAX: Extension: 178 7366 or +39 0831 257366 or +232 22 297366

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18 December 2007

Transmitted by email to sdefence-sesay@sctl  
and w.jordash@doughtystreet.co.uk

Mr. Wayne Jordash  
Lead Counsel  
Sesay Defence team  
Special Court for Sierra Leone  
Freetown, Sierra Leone

Dear Mr. Jordash,

I am in receipt of your letter dated 1<sup>st</sup> December 2007 addressed to Mr. Peter Harrison, the Senior Trial Attorney in the RUF case, where you have made inquires regarding the Office of the Prosecutor's Witness Management Unit (WMU).

The WMU is within the Office of the Prosecutor and under my overall supervision. It is the unit established to fulfill the responsibility of the Prosecutor under Rule 39(ii) of the Rules of Procedure and Evidence, for "...the taking of any special measures to provide for the safety, the support and assistance of potential witnesses and sources."

As with all components of the Office of the Prosecutor, information about internal procedures is privileged under Rule 70(A) of the Rules of Procedure and Evidence. Of course, we acknowledge that information about payments made by the WMU for support of witnesses is evidence that "may affect the credibility of prosecution evidence" under Rule 68(B), of the Rules of Procedure and Evidence. This information has been and will be disclosed to the Defence.

Best regards.

Sincerely,

Stephen Rapp  
Prosecutor