

THE SPECIAL COURT FOR SIERRA LEONE

CASE NO.: SCSL-04-16-I
CHAMBER I

THE PROSECUTOR
OF THE SPECIAL COURT
v.
ALEX TAMBA BRIMA
BRIMA BAZZY KAMARA
SANTIGIE BORBOR KANU

17 MAY 2004
1506H
FURTHER INITIAL APPEARANCE

Before the Judge:

Pierre Boutet, Presiding

For the Registry:

Mr. Geoff Walker

For the Prosecution:

MS. Sharan Parmar
Mr. Abdul Tejan-Cole

For the Accused Alex Tamba Brima:

Mr. Terrence Terry

For the Accused Brima Bazy Kamara:

Mr. C. A. Osho-Williams

For the Accused Santigie Borbor Kanu:

Mr. A.E. Manley-Spaine
Mr. J. O. D. Cole

Court Reporters:

Ms. Susan G. Humphries
Mr. Momodou Jallow

PROCEEDINGS

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MR. WALKER:

Case No. SCSL-2004-16-PT, Prosecutor versus Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu.

(Interpreters sworn)

MR. PRESIDENT:

May I ask for representation, please. Prosecution.

MS. PARMAR:

Your Honour, Sharan Parmar and Abdul Tejan-Cole for the Prosecution.

MR. PRESIDENT:

Defence counsel for Mr. Brima.

MR. TERRY:

May it please Your Honour, T. M. Terry for Alex Brima.

MR. PRESIDENT:

Thank you. Counsel for --

MR. OSHO-WILLIAMS:

Tamba Brima.

MR. PRESIDENT:

Yes, yes. Thank you. Representation of counsel for Kamara.

MR. OSHO-WILLIAMS:

May it please Your Honour, C. Osho-Williams *(inaudible)*.

MR. PRESIDENT:

Thank you, and counsel for Mr. Kanu.

MR. MANLEY-SPAINE:

Your Honour, A. E. Manley-Spaine *(inaudible)*.

MR. PRESIDENT:

Thank you.

First, let me apologise for the delay in the proceedings today. As you know, we were a bit longer this morning than we had expected and therefore that is why we had to postpone this further appearance to this afternoon. And if it has caused an inconvenience to you all I apologise and will try to do the best this afternoon.

This procedure today and this afternoon is the further appearance of the Accused, upon leave of the Trial Chamber, for the amendment of the -- it is further to the decision of the Trial Chamber for the amendment of the consolidated Indictment against them, pursuant to Rule 50 of the Rules of Procedure and Evidence. The Accused have already held their initial appearances on the original

1 Indictments entering a plea of not guilty for each and every one of the charges contained therein.
2 However, following the addition of a new charge, the Accused now appear before this Court in order
3 to enter a plea on such new charge, and this is pursuant to Rule 50(B)(1) of the Rules.
4

5 For further certainty I would like to read Rule 50(1)(B): "If the amended indictment includes new
6 charges and the Accused has already made his initial appearance in accordance with Rule 61, a
7 further appearance shall be held as soon as practicable to enable the Accused to enter a plea on the
8 new charge." And this is what we are doing today.
9

10 Before I proceed I would like to ask the Accused if -- and I take it anyhow that it is only for the record
11 that all are represented by counsel as I have heard from representation that they have -- all of them
12 have counsel in court today. And I ask you first, Mr. Terry, if you have had the opportunity to discuss
13 with your client the appearance today prior to this afternoon? Have you discussed the new charge or
14 have you had the occasion or opportunity to discuss this new charge with your client?

15 MR. TERRY:

16 Yes, I have, thank you.

17 MR. PRESIDENT:

18 Thank you. And Mr. --

19 MR. TERRY:

20 I have passed a notation to him as well.

21 MR. PRESIDENT:

22 Thank you. Mr. Williams.

23 MR. OSHO-WILLIAMS:

24 Yes, I have.

25 MR. MANLEY-SPAINE:

26 The same.

27 MR. PRESIDENT:

28 Thank you. Counsel for Mr. Brima --

29 MR. TERRY:

30 Yes, My Lord.

31 MR. PRESIDENT:

32 -- has the Accused been served with the amended consolidated Indictment?

33 MR. TERRY:

34 Yes, yes, Your Honour.

35 MR. PRESIDENT:

36 Counsel for Mr. Kamara, has your client, Mr. Kamara, been served with the amended consolidated
37 Indictment?

1 MR. OSHO-WILLIAMS:

2 He has not been served. He has not been served.

3 MR. PRESIDENT:

4 Before you sit, Mr. Williams, you have received a copy of the Indictment in question?

5 MR. OSHO-WILLIAMS:

6 I have, it's here.

7 MR. PRESIDENT:

8 You have?

9 MR. OSHO-WILLIAMS:

10 Yes, My Lord.

11 MR. PRESIDENT:

12 In spite of the fact that you have received the Indictment and your client may not have received it, that
13 you have had the occasion to discuss the amended Indictment with him.

14 MR. OSHO-WILLIAMS:

15 Yes, I have done so.

16 MR. PRESIDENT:

17 You have done so?

18 MR. OSHO-WILLIAMS:

19 Yes, Your Honour. Yes, Your Honour.

20 MR. PRESIDENT:

21 Counsel for Mr. Kanu.

22 MR. MANLEY-SPAINE:

23 He tells me he has not been served, but I have a copy of it and I have discussed it.

24 MR. PRESIDENT:

25 And you have discussed it?

26

27 I have been informed by Court Management that there has been some difficulties attempting to serve
28 the Accused during the weekend with the amended Indictments and I would ask the Court
29 Management to come forward and give information to the Court as to what happened so I can
30 determine if we can proceed further this afternoon in respect of these Accused.

31

32 LEONARD DOLPHIN,
33 first having been duly sworn,
34 testified as follows:

35 MR. PRESIDENT:

36 Thank you. Could you please identify yourself and -- by giving your name in full and, as well, give
37 your particulars as to what is your function over here.

38

1 MR. DOLPHIN:

2 My name is Leonard Dolphin, I am the Chief of Court Management, which is part of the Registry of the
3 Special Court.

4 MR. PRESIDENT:

5 Have you heard that one Accused, at least, has not been served with the documents, that is, the
6 amended consolidated Indictment? Do you have any information for the Court on this matter?

7 MR. DOLPHIN:

8 I do, Your Honour. Myself, together with interpreters, attended the detention facility over the weekend
9 with the intention of serving all six defendants who are named in the consolidated Indictments.

10 Because of an incident involving Mr. Gbao in the RUF case, when these defendants were also
11 present, it became impossible to remain in the detention centre and these defendants were not served
12 with the amended consolidated Indictment.

13 MR. PRESIDENT:

14 What was it that you were attempting to serve at that time and how?

15 MR. DOLPHIN:

16 We were going to physically serve a copy of the amended Indictments in English and in Krio, and we
17 had an audiotape recording of the translated Indictment.

18 MR. PRESIDENT:

19 Who was with you at the time of the attempt of service of these documents?

20 MR. DOLPHIN:

21 There were four interpreters present and a number of guards from the detention facility.

22 MR. PRESIDENT:

23 So as a result of that what did you do? Did you leave the copy of the documents with anybody?

24 MR. DOLPHIN:

25 We tried to leave the documents, but they were returned to us by the detention facility guards saying
26 that they weren't wanted.

27 MR. PRESIDENT:

28 And these documents were with reference to which Accused? We are dealing today with the AFRC
29 group.

30 MR. DOLPHIN:

31 Yes, with Mr. Brima, I have them here, Your Honour. Mr. Brima, Mr. Kamara and Mr. Kanu.

32 MR. PRESIDENT:

33 Thank you. Do Defence counsel wish to ask questions of this witness at this time?

34 MR. TERRY:

35 Not really, just to apologise because I gave the wrong impression to this Court. I must apologise.

36 MR. PRESIDENT:

37 That is okay.

1 MR. TERRY:

2 My client was not served, I was under the impression he was served. I would like, for the records, for
3 that to be *(inaudible)* deleted for that *(inaudible)*.

4 MR. PRESIDENT:

5 Accepted and noted. Thank you. But do you wish to ask questions of the witness? Mr. Williams.

6 MR. OSHO-WILLIAMS:

7 No, Your Honour.

8 MR. PRESIDENT:

9 Thank you.

10 MR. MANLEY-SPAINE:

11 None.

12 MR. PRESIDENT:

13 Prosecution.

14 MS. PARMAR:

15 The Prosecution has no questions, Your Honour.

16 MR. PRESIDENT:

17 Thank you, Mr. Dolphin.

18

19 For the purpose of this hearing and construing the information provided to the Court by the Chief of
20 section of Court Management, I deem each and every one of these Accused, that is, Alex Tamba
21 Brima, Brima Bazy Kamara, Santigie Borbor Kanu, to have been served with the documents when
22 an attempt was made to serve them during the weekend.

23 MR. TERRY:

24 As Your Honour pleases.

25 MR. PRESIDENT:

26 Thank you.

27

28 So I will now ask the Court officer to proceed with the reading of the consolidated Indictment. Even
29 though it may be a long process it is felt that the most appropriate way, even though we are dealing
30 with one additional count, was to read the whole Indictment because the count in itself, without the
31 additional allegations and facts described therein, is difficult to understand by any standard. So you
32 have to have the introduction, general allegations, to link it to this particular count. So to make it a bit
33 more easy and logical, I have asked the Court officer to read the whole Indictment and when we will
34 reach the amended or the new count, at that stage I will ask each and every accused to stand up and
35 enter a plea to that specific count. So that is the way we intend to proceed. Thank you.

36

37 Mr. Court Officer.

1 MR. WALKER:

2 Special Court for Sierra Leone, Case No. SCSL-2004 -16-PT. The Prosecutor against Alex Tamba
3 Brima, also known as Tamba Alex Brima, also known as Gullit; Brima Bazzy Kamara, also known as
4 Ibrahim Bazzy Kamara, also known as Alhaji Ibrahim Kamara; and Santigie Borbor Kanu, also known
5 as 55, also known as Five-Five, also known as Santigie Khanu, also known as Santigie Kanu, also
6 known as S. B. Khanu, also known as S. B. Kanu, also known as Santigie Bobson Kanu, also known
7 as Borbor Santigie Kanu.

8
9 Amended consolidated Indictment. The Prosecutor, Special Court for Sierra Leone, under Article 15
10 of the Statute of the Special Court for Sierra Leone (the Statute) charges: Alex Tamba Brima, also
11 known as Tamba Alex Brima, also known as Gullit; Brima Bazzy Kamara, also known as Ibrahim
12 Bazzy Kamara, also known as Alhaji Ibrahim Kamara; and Santigie Borbor Kanu, also known as 55,
13 also known as Five-Five, also known as Santigie Khanu, also known as Santigie Kanu, also known as
14 S. B. Khanu, also known as S. B. Kanu, also known as Santigie Bobson Kanu, also known as Borbor
15 Santigie Kanu; with crimes against humanity, violations of Article 3 common to the Geneva
16 Conventions and of Additional Protocol II and other serious violations of international humanitarian
17 law in violation of Articles 2, 3 and 4 of the Statute as set forth below.

18
19 The Accused, Alex Tamba Brima, also known as Tamba Alex Brima, also known as Gullit, was born
20 23rd November 1971 at Yaryah Village, Kono District, Republic of Sierra Leone.

21
22 He joined the Sierra Leone Army in April 1985 and rose to the rank of Staff Sergeant.

23
24 Brima Bazzy Kamara, also known as Ibrahim Bazzy Kamara, also known as Alhaji Ibrahim Kamara,
25 was born on the 7th of May 1968 at Wilberforce Village in the Western Area in the Republic of Sierra
26 Leone.

27
28 He joined the Sierra Leone Army on the 20th May 1991 and rose to the rank of Staff Sergeant.

29
30 Santigie Borbor Kanu, also known as 55, also known as Five-Five, also known as Santigie Khanu,
31 also known as Santigie Kanu, also known as S. B. Khanu, also known as S. B. Kanu, also known as
32 Santigie Bobson Kanu, also known as Borbor Santigie Kanu, was born in March 1965 at Maforki
33 Chiefdom, Port Loko District, Republic of Sierra Leone, or in Freetown in the Western Area of the
34 Republic of Sierra Leone.

35
36 He joined the Sierra Leone Army on 27th November 1990 and rose to the rank of Sergeant.

37

1 General allegations

2
3 At all times relevant to this Indictment, a state of armed conflict existed within Sierra Leone. For the
4 purposes of this Indictment, organised armed factions involved in this conflict included the
5 Revolutionary United Front (the RUF), the Civil Defence Forces (the CDF), and the Armed Forces
6 Revolutionary Council (the AFRC).

7
8 A nexus existed between the armed conflict and all acts or omissions charged herein as violations of
9 Article 3 common to the Geneva Conventions and of Additional Protocol II and as other serious
10 violations of international humanitarian law.

11
12 The organised group that became known as the RUF, led by Foday Saybana Sankoh, also known as
13 Popay, also known as Papa, also known as Pa, was founded about 1988 or 1989 in Libya. The RUF,
14 under the leadership of Foday Saybana Sankoh, began organised armed operations in Sierra Leone
15 in March 1991. During the ensuing armed conflict, the RUF forces were also referred to as "RUF",
16 "Rebels" and "People's Army".

17
18 The CDF was comprised of Sierra Leonean traditional hunters, including the Kamajors, Gbethis,
19 Kapras, Tamaboros and Donsos. The CDF fought against the RUF and the AFRC.

20
21 On 30th November 1996, in Abidjan, Ivory Coast, Foday Saybana Sankoh and Ahmed Tejan Kabbah,
22 President of the Republic of Sierra Leone, signed a peace agreement which brought a temporary
23 cessation to active hostilities. Thereafter, the active hostilities recommenced.

24
25 The AFRC was founded by members of the armed forces of Sierra Leone who seized power from the
26 elected government of the Republic of Sierra Leone via a coup d'etat on 25th of May 1997. Soldiers of
27 the Sierra Leone Army comprised the majority of the AFRC membership. On that date Johnny Paul
28 Koroma, also known as J. P. K., became the leader and chairman of the AFRC. The AFRC forces
29 were also referred to as a "Junta", "soldiers", "SLA" and "ex-SLA".

30
31 Shortly after the AFRC seized power at the invitation of Johnny Paul Koroma, and upon the order of
32 Foday Saybana Sankoh, leader of the RUF, the RUF joined with the AFRC. The AFRC and RUF
33 acted jointly thereafter. The AFRC/RUF Junta forces were also referred to as "junta", "rebels",
34 "soldiers", "SLA", "ex-SLA" and "People's Army".

35
36 After the 25th May 1997 coup d'etat, a governing body, the Supreme Council, was created within the
37 Junta. The Supreme Council was the sole executive and legislative authority within Sierra Leone

1 during the Junta. The governing body included the leaders of both the AFRC and RUF.
2 The Junta was forced from power by forces acting on behalf of the ousted government of
3 President Kabbah about 14th February 1998. President Kabbah's government returned to March --
4 returned in March 1998. After the Junta was removed from power the AFRC/RUF alliance continued.

5
6 On 7th July 1999, in Lome, Togo, Foday Saybana Sankoh and Ahmed Tejan Kabbah, President of the
7 Republic of Sierra Leone, signed a peace agreement. However, active hostilities continued.

8
9 Alex Tamba Brima, Brima Bazzy Kamara, Santigie Borbor Kanu and all members of the organised
10 armed factions engaged in fighting within Sierra Leone were required to abide by international
11 humanitarian law and the laws and customs governing the conduct of armed conflicts, including the
12 Geneva Conventions of 12th of August 1949 and Additional Protocol II to the Geneva Conventions, to
13 which the Republic of Sierra Leone acceded on 21st of October 1986.

14
15 All offences alleged herein were committed within the territory of Sierra Leone after 30 November
16 1996.

17
18 All acts and omissions charged herein as crimes against humanity were committed as part of a
19 widespread or systematic attack directed against the civilian population of Sierra Leone.

20
21 The words civilian or civilian population used in this Indictment refer to persons who took no active
22 part in the hostilities, or who were no longer taking an active part in the hostilities.

23
24 Individual criminal responsibility: Paragraphs 1 through 20 are incorporated by reference.

25
26 At all times relevant to this Indictment, Alex Tamba Brima was a senior member of the AFRC Junta
27 and AFRC/RUF forces.

28
29 Alex Tamba Brima was a member of the group which staged the coup and ousted the government of
30 President Kabbah. Johnny Paul Koroma, chairman and leader of the AFRC, appointed Alex Tamba
31 Brima a Public Liaison Officer within the AFRC. In addition Alex Tamba Brima was a member of the
32 Junta governing body.

33
34 Between mid-February 1998 and about 30th April 1998, Alex Tamba Brima was in direct command of
35 AFRC/RUF forces in the Kono District. In addition, Alex Tamba Brima was in direct command of
36 AFRC/RUF forces which conducted armed operations throughout the north, eastern and central areas
37 of the Republic of Sierra Leone, including, but not limited to, attacks on civilians in Bombali District

1 between about May 1998 and 31st July 1998. As of about 22nd December 1998, Alex Tamba Brima
2 was in command of AFRC/RUF forces which attacked Freetown on 6th January 1999.

3
4 At all times relevant to this incident, Brima Bazy Kamara was a senior member of the AFRC Junta
5 and AFRC/RUF forces.

6
7 Brima Bazy Kamara was a member of the group which staged the coup and ousted the government
8 of President Kabbah. Johnny Paul Koroma, chairman and leader of the AFRC, appointed Brima
9 Bazy Kamara a Public Liaison Officer within the AFRC. In addition, Brima Bazy Kamara was a
10 member of the Junta governing body.

11
12 Between about mid February 1998 and 30th April 1998, Brima Bazy Kamara was a commander of the
13 AFRC/RUF forces based in Kono District. In addition, Brima Bazy Kamara was a commander of
14 AFRC/RUF forces which conducted armed operations throughout the north, eastern and central areas
15 of the Republic of Sierra Leone, including, but not limited to, attacks on civilians in Koinadugu and
16 Bombali Districts between about mid February 1998 and 31st December 1998. Brima Bazy Kamara
17 was a commander of AFRC/RUF forces which attacked Freetown on 6th January 1999.

18
19 At all times relevant to this Indictment, Santigie Borbor Kanu was a senior member of the AFRC Junta
20 and AFRC/RUF forces.

21
22 Santigie Borbor Kanu was a member of the group of 17 soldiers which staged the coup and ousted
23 the government of President Kabbah. In addition, Santigie Borbor Kanu was a member of the Junta
24 governing body, the AFRC Supreme Council.

25
26 Between mid-February 1998 and the 30th of April 1998, Santigie Borbor Kanu was a senior
27 commander of the AFRC/RUF forces in Kono District. In addition, Santigie Borbor Kanu was a
28 commander of AFRC/RUF forces which conducted armed operations throughout the north, eastern
29 and central areas of the Republic of Sierra Leone, including, but not limited to, attacks on civilians in
30 Koinadugu and Bombali Districts between about mid-February 1998 and 31st of December 1998.
31 Santigie Borbor Kanu along with Alex Tamba Brima and Brima Bazy Kamara, was also one of three
32 commanders of AFRC/RUF forces during the attack on Freetown on 6th January 1999.

33
34 In their respective positions referred to above, Alex Tamba Brima, Brima Bazy Kamara and Santigie
35 Borbor Kanu individually, or in concert with each other; Johnny Paul Koroma, also known as J. B. K.;
36 Foday Saybana Sankoh; Sam Bockerie, also known as Mosquito, also known as Maskita; Issa
37 Hassan Sesay, also known as Issa Sesay; Morris Kallon, also known as Bilai Karim; Augustine Gbao,

1 also known as Augustine Bao, and/or other superiors in the AFRC Junta and AFRC/RUF forces,
2 exercised authority, command and control over all subordinate members of the AFRC Junta and
3 AFRC/RUF forces.

4
5 At all times relevant to this Indictment, Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor
6 Kanu, through their association with the RUF, acted in concert with Charles Ghankay Taylor, also
7 known as Charles MacArthur Dapkpana Taylor.

8
9 The AFRC, including Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor and the RUF,
10 including Issa Hassan Sesay, Morris Kallon and Augustine Gbao, shared a common plan, purpose or
11 design (joint criminal enterprise) which was to take any actions necessary to gain and exercise
12 political power and control over the territory of Sierra Leone, in particular the diamond mining areas.
13 The natural resources of Sierra Leone, in particular the diamonds, were to be provided to persons
14 outside Sierra Leone in return for assistance in carrying out the joint criminal enterprise.

15
16 The joint criminal enterprise included gaining and exercising control over the population of Sierra
17 Leone in order to prevent or minimise resistance to their geographic control and to use members of
18 the population to provide support to the members of the joint criminal enterprise. The crimes alleged
19 in this Indictment, including unlawful killings, abductions, forced labour, physical and sexual violence,
20 use of child soldiers, looting and burning of civilian structures, were either actions within the joint
21 criminal enterprise or were a reasonably foreseeable consequence of the joint criminal enterprise.

22
23 Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu, by their acts or omissions, are
24 individually criminally responsible, pursuant to Article 6(1) of the Statute for the crimes referred to in
25 Articles 2, 3 and 4 of the Statute as alleged in this Indictment, which crimes each of them planned,
26 instigated, ordered, committed or in whose planning, preparation or execution each Accused
27 otherwise aided and abetted, or which crimes were within a joint criminal enterprise in which each
28 Accused participated or were a reasonably foreseeable consequence of the joint criminal enterprise in
29 which each Accused participated.

30
31 In addition, or alternatively, pursuant to Article 6(3) of the Statute, Alex Tamba Brima, Brima Bazzy
32 Kamara and Santigie Borbor Kanu, while holding positions of superior responsibility and exercising
33 effective control over their subordinates, are each individually criminally responsible for the crimes
34 referred to in Articles 2, 3 and 4 of the Statute. Each Accused is responsible for the criminal acts of
35 his subordinates in that he knew or had reason to know that the subordinate was about to commit
36 such acts or had done so, and each Accused failed to take the necessary and reasonable measures
37 to prevent such acts or to punish the perpetrators thereof.

1
2 Charges: Paragraphs 21 through 36 are incorporated by reference.
3

4 At all times relevant to this Indictment, members of the RUF, AFRC, Junta and, or AFRC/RUF forces,
5 subordinate to and/or acting in concert with Alex Tamba Brima, Brima Bazzy Kamara and Santigie
6 Borbor Kanu, conducted armed attacks throughout the territory of the Republic of Sierra Leone,
7 including Bo, Kono, Kenema, Koinadugu, Bombali and Kailahun and Port Loko Districts of the city of
8 Freetown and the Western Area. Targets for the armed attacks included civilians and humanitarian
9 assistance personnel and peacekeepers assigned to the United Nations Mission in Sierra Leone
10 (UNAMSIL), which had been created by the United Nations Security Resolution 1270 of 1999.
11

12 These attacks were carried out primarily to terrorise the civilian population, but also were used to
13 punish the population for failing to provide sufficient support to the AFRC/RUF, or for allegedly
14 providing support to the Kabbah government or to pro-government forces. The attacks included
15 unlawful killings, physical and sexual violence against civilian men, women and children, abductions
16 and looting and destruction of civilian property. Many civilians saw these crimes committed; others
17 returned to their homes or places of refuge to find the results of these crimes: dead bodies, mutilated
18 victims and looted and burnt property.
19

20 As part of the campaign of terror and punishment, the AFRC/RUF routinely captured and abducted
21 members of the civilian population. Captured women and girls were raped, many of them were
22 abducted and used as sex slaves and as forced labour. Some of these women and girls were held
23 captive for years. Men and boys who were abducted were also used as forced labour; some of them
24 were also held captive for years. Many abducted boys and girls were given combat training and used
25 in active fighting. AFRC/RUF also physically mutilated men, women and children, including
26 amputating their hands or feet and carving "AFRC" and "RUF" on their bodies.
27

28 Counts 1 to 2: Terrorising the civilian population and collective punishments.
29

30 Members of the AFRC/RUF subordinate to and/or acting in concert with Alex Tamba Brima, Brima
31 Bazzy Kamara and Santigie Borbor Kanu, committed the crimes set forth below in paragraphs 42
32 through 79 and charged in Counts 3 through 14, as part of a campaign to terrorise the civilian
33 population of the Republic of Sierra Leone and did terrorise that population. The AFRC/RUF also
34 committed the crimes to punish the civilian population for allegedly supporting the elected government
35 of President Ahmed Tejan Kabbah and factions aligned with that government, or for failing to provide
36 sufficient support to the AFRC/RUF.
37

1 By their acts or omissions in relation to these events, Alex Tamba Brima, Brima Bazzy Kamara and
2 Santigie Borbor Kanu, pursuant to Article 6(1) and, or alternatively, Article 6(3) of the Statute, are
3 individually criminally responsible for the crimes alleged below:

4
5 Count 1: Acts of Terrorism, a violation of Article 3 common to the Geneva Conventions and of
6 Additional Protocol II, punishable under Article 3(d) of the Statute; And:

7
8 Count 2: Collective punishments, a violation of Article 3 common to the Geneva Conventions and of
9 Additional Protocol II, punishable under Article 3(b) of the Statute.

10
11 Counts 3 to 5: Unlawful Killings. Victims were routinely shot, hacked to death and burned to death.
12 Unlawful killings included the following:

13
14 Bo District: Between about 1st June 1997 and 30th June 1997, AFRC/RUF attacked Tikonko, Telu,
15 Sembahun, Gerihun and Mamboma, unlawfully killing an unknown number of civilians.

16
17 Kenema District: Between about the 25th of May 1997 and about 19th February 1998, in locations
18 including Kenema town, members of AFRC/RUF unlawfully killed an unknown number of civilians;

19
20 Kono District: About mid-February 1998, AFRC/RUF, fleeing from Freetown, arrived in Kono District.
21 Between about 14th February 1998 and 30th June 1998, members of AFRC/RUF unlawfully killed
22 several hundred civilians in various locations in Kono District, including Koidu, Tombodu, Foindu,
23 Willifeh, Mortema and Biaya;

24
25 Kailahun District: Between about 14th February 1998 and 30th June 1998, in locations including
26 Kailahun town, members of AFRC/RUF unlawfully killed an unknown number of civilians;

27
28 Koinadugu District: Between about 14th February 1998 and 30th September 1998, in several
29 locations, including Heremakono, Kabala, Kumalu, Kurubonla, Katombo, Koinadugu, Fadugu and
30 Kamadugu, members of the AFRC/RUF unlawfully killed an unknown number of civilians;

31
32 Bombali District: Between about 1st May 1998 and 30th November 1998 in several locations in
33 Bombali District, including Bonyoyo, Karina, Mafabu, Mateboi, and Gbendembu, members of the
34 AFRC/RUF unlawfully killed an unknown number of civilians;

35
36 Freetown and the Western Area: Between 6th January 1999 and 28th February 1999, AFRC/RUF
37 conducted armed attacks throughout the city of Freetown and the Western Area. These attacks

1 included large scale unlawful killings of civilian men, women and children at locations throughout the
2 city and the Western Area, including Kissy, Wellington and Calaba Town;

3
4 Port Loko: About the month of February 1999, members of the AFRC/RUF fled from Freetown to
5 various locations in the Port Loko District. Between about February 1999 and April 1999, members of
6 AFRC/RUF unlawfully killed an unknown number of civilians in various locations in Port Loko District,
7 including Manaarma, Tendakum and Nonkoba.

8
9 By their acts or omissions in relation to these events, Alex Tamba Brima, Brima Bazzy Kamara and
10 Santigie Borbor Kanu, pursuant to Article 6(1) and, or alternatively, Article 6(3) of the Statute, are
11 individually criminally responsible for the crimes alleged below:

12
13 Count 3: Extermination, a crime against humanity, punishable under Article 2(b) of the Statute; in
14 addition, or in the alternative:

15
16 Count 4: Murder, a crime against humanity, punishable under Article 2(a) of the Statute; in addition, or
17 in the alternative:

18
19 Count 5: Violence to life, health and physical or mental well-being of persons, in particular murder, a
20 violation of Article 3 common to the Geneva Conventions and of Additional Protocol II, punishable
21 under Article 3(a) of the Statute.

22
23 Counts 6 to 9: Sexual violence.

24
25 Widespread sexual violence committed against civilian women and girls included brutal rapes, often
26 by multiple rapists and forced marriages. Acts of sexual violence included the following:

27
28 Kono District: Between about 14th February 1998 and 30th June 1998, members of AFRC/RUF raped
29 hundreds of women and girls at various locations throughout the district, including Koidu, Tombodu,
30 Kissy-town, Foendor, Tomendeh, Fokoiya, Wonedu and AFRC/RUF camps such as "Superman
31 camp" and "Kissi-town camp". An unknown number of women and girls were abducted from various
32 locations within the district and used as sex slaves and/or forced into marriages and or subjected to
33 other forms of sexual violence. The wives were forced to perform a number of conjugal duties under
34 coercion by their husbands;

35
36 Koinadugu District: Between about 14th February 1998 and 30th September 1998, members of the
37 AFRC/RUF raped an unknown number of women and girls in locations in Koinadugu District, such as

1 Kabala, Koinadugu, Heremakono and Fadugu. In addition, an unknown number of women and girls
2 were abducted and used as sex slaves and/or forced into marriages and/or subjected to other forms
3 of sexual violence. The wives were forced to perform a number of conjugal duties under coercion by
4 their husbands;

5
6 Bombali District: Between about 1st May 1998 and 31st November 1998, members of the AFRC/RUF
7 raped an unknown number of women and girls in locations in Bombali District, including Mandaha and
8 Rosos. In addition, an unknown number of abducted women and girls were used as sex slaves
9 and/or forced into marriages and/or subjected to other forms of sexual violence. The wives were
10 forced to perform a number of conjugal duties under coercion by their husbands;

11
12 Kailahun District: At all times relevant to this Indictment, an unknown number of women and girls in
13 various locations in the district were subjected to sexual violence. Many of these victims were
14 captured in other areas of the Republic of Sierra Leone, brought to AFRC/RUF camps in the district,
15 and used as sex slaves and/or forced into marriages and/or subjected to other forms of sexual
16 violence. The wives were forced to perform a number of conjugal duties under coercion by their
17 husbands;

18
19 Freetown and the Western Area. Between 6th January 1999 and 28th February 1999, members of
20 AFRC/RUF raped hundreds of women and girls throughout the city of Freetown and the Western
21 Area, and abducted hundreds of women and girls and used them as sex slaves and/or forced them
22 into marriages and/or subjected them to other forms of sexual violence. The wives were forced to
23 perform a number of conjugal duties under coercion by their husbands;

24
25 Port Loko District. About the month of February 1999, AFRC/RUF fled to Freetown -- from Freetown
26 to various locations in the Port Loko District. Between February 1999 and April 1999 members of the
27 AFRC/RUF raped an unknown number of women and girls in various locations in the district. In
28 addition, an unknown number of women and girls in various locations in the district were used as sex
29 slaves and/or forced into marriages and/or subjected to other forms of sexual violence by members of
30 the AFRC/RUF. The wives were forced to perform a number of conjugal duties under coercion by
31 their husbands.

32
33 By their acts or omissions in relation to these events, Alex Tamba Brima, Brima Bazzy Kamara and
34 Santigie Borbor Kanu, pursuant to Article 6(1) and, or alternatively, Article 6(3) of the Statute, are
35 individually criminally responsible for the crimes alleged below:

36
37 Count 6: Rape, a crime against humanity, punishable under Article 2(g) of the Statute; and:

1
2 Count 7: Sexual slavery and any other form of sexual violence, a crime against humanity, punishable
3 under Article 2(g) of the Statute; And:

4
5 Count 8: Other inhumane act, a crime against humanity, punishable under Article 2(i) of the Statute.

6 MR. PRESIDENT:

7 Thank you.

8
9 We will pause here to the reading of the Indictment and proceed to record the pleas of each of the
10 Accused to this Count No. 8, and I will proceed in the order that the names of the Accused appear on
11 the Indictment, starting with Mr. Alex Tamba Brima.

12
13 Mr. Brima, can you stand up, please.

14
15 Mr. Brima, on Count 8 you are charged with the following count, "Other inhumane act, a crime against
16 humanity, punishable under Article 2(i) of the Statute." How do you plead, with reference to this
17 count; guilty or not guilty?

18 THE ACCUSED BRIMA:

19 One, my name is not Alex Tamba Brima. Two, I am not guilty. Three, the times (*inaudible*) on
20 Indictment on which they say I joined the army, that is not (*inaudible*) the place where they allege I
21 was born is not correct, that's not (*inaudible*) established. Looking at it up until now, no date has been
22 set for the hearing, we have not been told of any date for the hearing. We thought we were coming
23 here to hear a date, what did we see, another charge. Now when the charges have been raised we
24 hear the AFRC/RUF, RUF/AFRC, you've separated us. Understand this, I will only be ready to take
25 the plea provided if my correct name is presented as Tamba Alex Brima.

26 MR. PRESIDENT:

27 Mr. Brima, I have noted your comments and have recorded in the file. However, this is not the time to
28 argue about these particular facts, these are allegations at this particular moment, nothing has been
29 proven against you. If these facts appear and happen to be inaccurate, it will be disclosed in due
30 course during the trial. At this time all we are asking you is to plead guilty or not guilty to Count No. 8.
31 And I appreciate some of your comments about the joinder, but I would only remark that I am not sure
32 if it was your counsel, but certainly some counsel for you, members of the AFRC, have asked that the
33 AFRC group be tried separately and apart from the RUF. So I have some difficulties to understand
34 some of your comments that you are now being tried separate and apart from the RUF. I should say
35 the Court indeed ruled that RUF and AFRC should be tried as two separate groups -- jointly, but as
36 two separate groups. The Prosecution had requested the joinder of all of these trials. And, as I say, it
37 was largely due to representations made by counsel for the Defence, both from AFRC and RUF, and

1 the Court has ruled accordingly.

2 Therefore, I am repeating again my question to you, how do you plead to this Count No. 8; guilty or
3 not guilty?

4 THE ACCUSED BRIMA:

5 I come from a very disciplined institution, I can't (*inaudible*) when it does not carry my right name. So I
6 am not accepting the name; that is not my correct name. So I am pleading to you that is not prevalent
7 at the moment.

8 MR. PRESIDENT:

9 Mr. Brima, there was a time at the beginning of the process where motions could be made to object to
10 the facts in the Indictment, the facts of any nature. That had to be done at the beginning of the
11 proceedings as such. So that what you are raising today, has not been raised at that particular time.
12 And it cannot be raised today at a time of initial appearance. However, I will, if you are not recording
13 any plea at this particular moment, I am obliged by the Rules of Procedure and Evidence to record a
14 not guilty plea to this particular charge.

15

16 Yes, Mr. Terry.

17 MR. TERRY:

18 Just one observation, Alex Brima took his initial plea before your brother Justice Itoe and (*inaudible*)
19 the copies of that application and the bail application this issue was raised. So it is not, with respect,
20 Your Honour, not entirely correct to say that the matter had not been raised initially, this has been a
21 common trend from the start of the proceedings. I started off with the Indictment.

22 MR. PRESIDENT:

23 By this I meant I do not know what was raised or not when my brother, Itoe, presided over this
24 particular issue. What I'm saying is making reference to the Rules of Procedure and Evidence, 72, on
25 defects in the Indictment. There is a procedure provided specifically for that, and that's what I meant
26 by saying that issue could have been raised as a motion about defects in the Indictment pursuant to
27 Rule 72. I am not suggesting -- you may have raised that issue with Judge Itoe, I was not party to that
28 and I am not familiar with that, but when I made that observation it was with reference to 72, so I --

29 MR. TERRY:

30 As you please, Your Honour.

31 MR. PRESIDENT:

32 -- and I accept your comments in this respect.

33

34 Very well, so for the record, the Court enters a plea of not guilty on behalf of Mr. Brima.

35 THE ACCUSED BRIMA:

36 That's why you arrested me because of the wrong name?

37

1 MR. PRESIDENT:

2 I didn't -- I didn't --

3 THE ACCUSED BRIMA:

4 Is that why you arrested me because of the wrong name?

5 MR. PRESIDENT:

6 Your comments are noted. As I say, I didn't arrest anybody; I'm just proceeding with the trial.

7

8 The next Accused is Mr. Kamara. Mr. Kamara, stand up, please. Mr. Kamara, Count 8 reads as
9 follows: "Other inhumane act, a crime against humanity, punishable under Article 2(1) of the Statute."

10 Mr. Kamara, how do you plead to this Count 8; guilty or not guilty?

11 THE ACCUSED KAMARA:

12 I want to start with this, Brima Bazy Kamara is not my name. And everything that has been said in
13 the Indictment is not correct -- about me, is not correct. All I want to know now is the time for my trial.

14 I didn't come here to do it, tomorrow you will have another charge for me to *(inaudible)*. That is all,

15 My Lord.

16 MR. PRESIDENT:

17 Thank you, Mr. Kamara, but we have asked you to come today to exactly do an appearance on
18 Count No. 8, and the purpose is to ask you how you plead to this new count, guilty or not guilty. I take
19 it from your response that you do not intend to enter a plea and, therefore, in accordance with the
20 Rules of Procedure and Evidence, I will record a plea of not guilty to Count No. 8. Thank you.

21

22 The next Accused, Mr. Kanu. Stand up, please. Mr. Kanu, Count No. 8 reads as follows: "Other
23 inhumane act, a crime against humanity, punishable under Article 2(i) of the Statute." How do you
24 plead to this Count No. 8; guilty or not guilty?

25 THE ACCUSED KANU:

26 I do not recognise this Court. Since I started appearing here I have said I don't recognise this Court.

27 MR. PRESIDENT:

28 Thank you, Mr. Kanu. The Court will record a not guilty plea to Count No. 8 for the record.

29

30 Thank you.

31

32 Mr. Court officer, please carry on.

33

34 We will pause for five minutes -- five minutes adjournment. Thank you.

35 *(Court recessed at 1608H)*

36 *(Pages 1 to 17 by Susan G. Humphries)*

1 *(Court resumed at 1620H)*

2 MR. PRESIDENT:

3 We shall continue to proceed with the reading of the consolidated indictment. Mr. Court officer.

4 MR. WALKER:

5 In addition, or in the alternative, Count 9: Outrages upon personal dignity, a violation of Article 3
6 common to the Geneva Conventions and of Additional Protocol II, punishable under Article 3(e) of the
7 Statute.

8
9 Counts 10 to 11: Physical Violence: Widespread physical violence, including mutilations, was
10 committed against civilians. Victims were often brought to a central location where mutilations were
11 carried out. These acts of physical violence included the following:

12
13 Kono District: Between about 14th February 1998 and 30th June 1998, AFRC/RUF mutilated an
14 unknown number of civilians in various locations in the district, including Tombodu, Kaima and
15 Wonedu. The mutilations included cutting off limbs and carving "AFRC" and "RUF" on the bodies of
16 the civilians;

17
18 Kenema District: Between about 25th May 1997 and about 19th February 1998, in locations in Kenema
19 district, including Kenema town, members of AFRC/RUF carried out beatings and ill-treatment of a
20 number of civilians who were in custody;

21
22 Koinadugu District: Between about 14th February 1998 and 30th September 1998, members of the
23 AFRC/RUF mutilated an unknown number of civilians in various locations in the District, including
24 Kabala, Konkoba. The mutilations included cutting off limbs and carving "AFRC" on the chest and
25 foreheads of the civilians;

26
27 Bombali District: Between about 1st May 1998 and 31st November 1998 (sic), members of the
28 AFRC/RUF mutilated an unknown number of civilians in various locations in Bombali District,
29 including Lohonda, Malama, Mamaka, Rosos . The mutilations included cutting off limbs;

30
31 Freetown and the Western Area: Between 6th January 1999 and 28th February 1999, members of the
32 AFRC/RUF mutilated an unknown number of civilian men, women and children in various areas of
33 Freetown, and the Western Area, including Kissy, Wellington and Calaba Town. The mutilations
34 included cutting off limbs;

35
36 Port Loko: About the month of February 1999, the AFRC/RUF fled from Freetown to various locations
37 in the Port Loko District. Between February 1999 and April 1999, members of the AFRC/RUF

1 mutilated an unknown number of civilians in various locations in the District, including cutting off limbs;

2
3 By their acts or omissions in relation to these events, Alex Tamba Brima, Brima Bazzy Kamara and
4 Santigie Borbor Kanu, pursuant to Article 6 (1) and, or alternatively, Article 6(3) of the Statute, are
5 individually criminally responsible for the crimes alleged below:

6
7 Count 10: Violence to life, health and physical or mental well-being of persons, in particular
8 mutilation, a Violation of Article 3 common to the Geneva Conventions and of Additional Protocol II,
9 punishable under Article 3(a) of the Statute;

10
11 In addition, or in the alternative, Count 11: Other inhumane acts, a crime against humanity, punishable
12 under Article 2(i) of the Statute.

13
14 Count 12: Use of Child Soldiers. At all times relevant to this Indictment, throughout the Republic of
15 Sierra Leone, AFRC/RUF routinely conscripted, enlisted and/or used boys and girls under the age of
16 15 to participate in active hostilities. Many of these children were first abducted, then trained in
17 AFRC/RUF camps in various locations throughout the country, and thereafter used as fighters.

18
19 By their acts or omissions in relation to these events, Alex Tamba Brima, Brima Bazzy Kamara and
20 Santigie Borbor Kanu, pursuant to Article 6 (1) and, or alternatively, Article 6 (3) of the Statute, are
21 individually criminally responsible for the crimes alleged below:

22
23 Count 12: Conscription or enlisting children under the age of 15 years into armed forces or groups, or
24 using them to participate actively in hostilities, another serious violation of international humanitarian
25 law, punishable under Article 4(c) of the Statute.

26
27 Count 13: Abductions and Forced Labour. At all times relevant to this Indictment, AFRC/RUF
28 engaged in widespread and large scale abductions of civilians and use of civilians as forced labour.
29 Forced labour included domestic labour and use as diamond miners. The abductions and forced
30 labour included the following:

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

34
35 Kono District: Between about 14th February 1998 to January 2000, AFRC/RUF forces abducted
36 hundreds of civilian men, women and children, and took them to various locations outside the District,
37 or to locations within the District such as AFRC/RUF camps, Tombodu, Koidu, Wonedu, Tomendeh.

1 At these locations, the civilians were used as forced labour, including domestic labour and as
2 diamond miners in the Tombodu area;

3
4 Koinadugu District: Between about 14th February 1998 and 30th September 1998, at various locations
5 including Heremakono, Kabala, Kumala, Koinadugu, Kamadugu and Fadugu, members of the
6 AFRC/RUF abducted an unknown number of men, women and children and used them as forced
7 labour;

8
9 Bombali District: Between about 1st May 1998 and 31st November 1998 (sic), in the Bombali District,
10 members of the AFRC/RUF abducted an unknown number of civilians and used them as forced
11 labour;

12
13 Kailahun District: At all times relevant to this Indictment, captured civilian men, women and children
14 were brought to various locations within the District and used as forced labour;

15
16 Freetown and the Western Area: Between 6th January 1999 and 28th February 1999, in particular as
17 the AFRC/RUF were being driven out of Freetown and the Western Area, members of the AFRC/RUF
18 abducted hundreds of civilians, including a large number of children, from various areas in Freetown
19 and the Western Area, including Peacock Farm, Kissy, and Calaba Town. These abducted civilians
20 were used as forced labour;

21
22 Port Loko: About the month of February 1999, the AFRC/RUF fled from Freetown to various locations
23 in the Port Loko District. Members of the AFRC/RUF used civilians, including those that have been
24 abducted from Freetown and the Western Areas, as forced labour in various locations throughout the
25 Port Loko District including Port Loko, Lunsar and Masiaka. AFRC/RUF forces also abducted and
26 used as forced labour civilians from various locations in the Port Loko District, including Tendakum
27 and Nonkoba;

28
29 By their acts or omissions in relation to these events, Alex Tamba Brima, Brima Bazzy Kamara and
30 Santigie Borbor Kanu, pursuant to Article 6 (1) and, or alternatively, Article 6 (3) of the Statute, are
31 individually criminally responsible for the crimes alleged below:

32
33 Count 13: Enslavement, a crime against humanity, punishable under Article 2(c) of the Statute.

34
35 Count 14: Looting and Burning: At all times relevant to this Indictment, AFRC/RUF engaged in
36 widespread unlawful taking and destruction by burning of civilian property. This looting and burning
37 included the following:

1 Bo District: Between 1st June 1997 and 30th June 1997, AFRC/RUF forces looted and burned an
2 unknown number of civilian houses in Telu, Sembehun, Mamboma and Tikonko;

3
4 Koinadugu District: Between about 14th February 1998 and 30th September 1998, AFRC/RUF forces
5 engaged in widespread looting and burning of civilian homes in various locations in the district,
6 including Heremakono, Kabala, Kamadugu and Fadugu;

7
8 Kono District: Between about 14th February 1998 and 30th June 1998, AFRC/RUF engaged in
9 widespread looting and burning in various locations in the district, including Tombodu, Foindu and
10 Yardu Sando, where virtually every home in the village was looted and burned;

11
12 Bombali District: Between about 1st March 1998 and 30th November 1998, AFRC/RUF forces burnt an
13 unknown number of civilian buildings in locations in Bombali District, such as Karina and Mateboi;

14
15 Freetown and the Western Area: Between 6th January 1999 and 28th February 1999, AFRC/RUF
16 forces engaged in widespread looting and burning throughout Freetown and the Western Area. The
17 majority of houses that were destroyed were in the areas of Kissy, Wellington and Calaba Town; other
18 locations included Fourah Bay, Uppun, State House and Pademba Road areas of the city;

19
20 By their acts or omissions in relation to these events, Alex Tamba Brima, Brima Bazzy Kamara and
21 Santigie Borbor Kanu, pursuant to Article 6(1) and, or alternatively, Article 6(3) of the Statute, are
22 individually criminally responsible for the crimes alleged below:

23
24 Count 14: Pillage, a violation of Article 3 common to the Geneva Conventions and of Additional
25 Protocol II, punishable under Article 3(f) of the Statute.

26
27 Counts 15 to 18: Attacks on UNAMSIL Personnel: Between about 15th April 2000 and about 15th
28 September 2000, AFRC/RUF engaged in widespread attacks against UNAMSIL peacekeepers and
29 humanitarian assistance workers within the Republic of Sierra Leone, including, but not limited to
30 locations within the Bombali, Kailahun, Kambia, Port Loko, and Kono districts. These attacks included
31 unlawful killing of UNAMSIL peacekeepers, and abducting hundreds of peacekeepers and
32 humanitarian assistance workers who were then held hostage.

33
34 By their acts or omissions in relation to these events, Alex Tamba Brima, Brima Bazzy Kamara and
35 Santigie Borbor Kanu, pursuant to Article 6(1) and, or alternatively, Article 6(3) of the Statute, are
36 individually criminally responsible for the crimes alleged below:

1 Count 15: Intentionally directing attacks against personnel involved in a humanitarian assistance or
2 peacekeeping mission, another serious violation of international humanitarian law, punishable under
3 Article 4(b) of the Statute;

4
5 In addition, or in the alternative: Count 16: For the unlawful killings, Murder, a crime against humanity,
6 punishable under Article 2 (a) of the Statute;

7
8 In addition, or in the alternative: Count 17: Violence to life, health and physical or mental well-being of
9 persons, in particular murder, a violation of Article 3 common to the Geneva Conventions and of
10 Additional Protocol II, punishable under Article 3(a) of the Statute;

11
12 In addition, or in the alternative: Count 18: For the abductions and holding as hostage, taking of
13 hostages, a violation of Article 3 common to the Geneva Conventions and of Additional Protocol II,
14 punishable under Article 3(c) of the Statute.

15
16 Dated this 13th day of May 2004, Freetown, Sierra Leone, David M Crane, The Prosecutor.

17 MR. PRESIDENT:

18 Thank you, Mr. Court officer.

19
20 I would like to ask the Prosecution if they have something to add with reference to this appearance
21 today.

22 MS. PARMAR:

23 Your Honour, the Prosecution has nothing to add.

24 MR. PRESIDENT:

25 Thank you.

26 Would Counsel for Mr. Brima wish to add anything at this particular moment?

27 MR. TERRY:

28 Yes. Your Honour, before you rise, may I take the liberty of raising an issue as a result of what has
29 transpired today. Your Honour will observe that it is common ground that the Accused persons are
30 concerned about the date of trial.

31 MR. PRESIDENT:

32 As you know Mr Terry, we are concerned about that too. You know our view because we've had
33 status conferences, pre-trial conferences on that issue, and we are very much concerned about dates
34 of trial and we would like to say -- I would like to be able to say today that yes, there would be
35 proceedings next month, but I am not capable of doing so today. That is beyond my authority anyhow
36 today, to say so.

1 MR. TERRY:

2 I agree with you. I just said so because the CDF starts next month, RUF starts after and we seem to
3 be in limbo. That's our worry

4 MR. PRESIDENT:

5 The only additional information I can provide you with at this particular time is, as you may know,
6 there's been a request for the appointment of a second Trial Chamber and we've been waiting for
7 quite a time for these judges to be appointed.

8
9 So this Chamber, as it is, cannot, in all fairness, do all trials and that's the explanation of that. So as
10 soon as these new judges are appointed -- we've been expecting that these appointments would have
11 been made a month or so ago. So we hope that in the next few weeks it would be a done deal. So
12 from that moment on, I would say it should move quickly because, as you know, the Court houses
13 have been completed now. There are two court rooms and nothing precludes two trials to be held at
14 the same time.

15

16 So, I can just -- I do understand that, but I can assure them that the utmost is being done to try to
17 proceed as expeditiously as possible in their respect.

18

19 MR. TERRY:

20 Your Honour, frankly speaking for myself, and I hope I speak for the rest of my colleagues that we
21 must congratulate you for *(inaudible)*

22 MR. PRESIDENT:

23 Thank you, very much.

24

25 Prosecution, I would like to direct your attention to Rule 50(B)(2) that provide as follows: "Within seven
26 days from such appearance", which is today, "the Prosecutor shall disclose all materials envisaged in
27 Rule 66(A)(1) pertaining to the new charge".

28

29 I would like to ask you at this moment, Madam Prosecutor, if you have indeed complied and if not,
30 when do you intend to comply with these provisions?

31 MS. PARMAR:

32 Your Honour, the Prosecution will rely on materials already disclosed to the Defence in relation to this
33 new charge.

34 MR. PRESIDENT:

35 Thank you.

36 And I would like to indicate to the Defence in this respect that -- and direct your attention to Rule 72 in
37 relation to any preliminary motion that may derive from this new charge. There is ten days from the

1 moment of the disclosure as we were being informed today, at this initial appearance, that disclosure
2 has been effected. It means that you do have ten days to file a preliminary motion in relation to this
3 new count. I am not suggesting that you shall file, I'm just indicating that you may file. So -- and this
4 is ten days running as of today.

5
6 Having said that, I would like to order at this particular moment, the continued detention on remand of
7 each and every Accused until further order of the Special Court, and these proceedings are now
8 adjourned *sine die*.

9
10 Thank you very much.

11 (Court adjourned at 1640H)

12 (*Pages 18 to 24 by Momodou Jallow*)
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