

SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
FREETOWN – SIERRA LEONE

Before: Judge Teresa Doherty, Presiding
Judge Richard Lussick
Judge Julia Sebutinde

Registrar: Mr. Robin Vincent

Date filed: 8 March 2005

THE PROSECUTOR

Against

**ALEX TAMBA BRIMA
BRIMA BAZZY KAMARA
SANTIGIE BORBOR KANU**

CASE NO. SCSL-2004-16-T

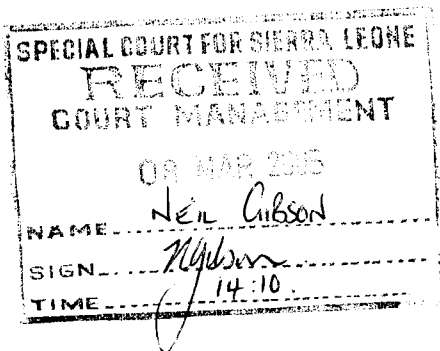
**PROSECUTION RESPONSE TO JOINT DEFENCE MOTION ON
ADMISSABILITY OF EXPERT- WITNESSES/EXPERT EVIDENCE AND
FILING OF NOTICE PURSUANT TO RULE 94Bis (B)(i) AND (ii)**

Office of the Prosecutor:
Luc Cote
Lesley Taylor
Millicent Stronge

Defence Counsel for Brima:
Kevin Metzger
Glenna Thompson

Defence Counsel for Kamara
Wilbert Harris

Defence Counsel for Kanu
Geert-Jan A. Knoops
Cary J. Knoops
A.E. Manly-Spain



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I. BACKGROUND

1. On March 7 2005, the Defence for the Accused Brima, Kamara and Kanu filed a Joint Defence Motion on Admissability of Expert-Witnesses/Expert Evidence And Filling of Notice Pursuant to Rule 94bis (B)(i) And (ii) (“the joint motion”) in which the Defence indicates an intention to cross-examine witnesses TF1-081 and TF1-188 should the Prosecution call these witnesses as expert witnesses.
2. The Prosecution notes that although the joint motion is given the title of motion, it does not seek a ruling or relief from the Trial Chamber within the terms of Rule 73. Rather, it is declaratory of an intention pursuant to Rule 94bis (B). The Prosecution submits that there is no motion properly before the Trial Chamber

Prosecutor against Tamba Brima et al., Case No. 2004-16-T

and that the Rule 94bis (B) declaration is made on misunderstanding of the nature of the evidence of witnesses TF1-081 and TF1-188.

3. Nonetheless, in the interest of assisting both the Trial Chamber and the Defence, the Prosecution hereby files this response.

II. SUBMISSIONS

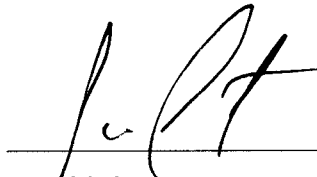
4. Witnesses TF1-081 and TF1-188 are both qualified medical doctors. Notwithstanding their profession, the Prosecution is calling both witnesses as witnesses of fact rather than expert witnesses. The Prosecution does not intend to establish either witness as an expert or to lead opinion evidence from either witness.
5. The Prosecution notes that it has never indicated to either the Trial Chamber or to the Defence that these witnesses would be called as experts: no statement pertaining to either witness has been filed pursuant to Rule 94bis.

III. CONCLUSION

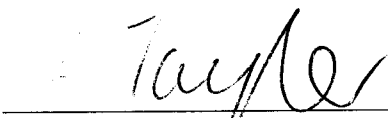
6. For the foregoing reasons the Prosecution submits that the joint motion should be dismissed.

Filed at Freetown

8 March 2004



Luc Côté
Chief of Prosecutions



Lesley Taylor
Senior Trial Counsel