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SPECIAL COURT FOR SIERRA LEONE

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SCSL-2003-12-1-016

(569-572)

Office of the Prosecutor

26 June 2003

BEATRICE UKELEME

26.06.03 11:45

The Trial Chamber:
 Judge Thompson, Presiding Judge
 Judge Boutet
 Judge Itoe

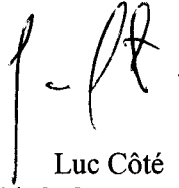
SUBJECT: Explanation, Time of Filing, Prosecution Response to the Application for Release from Provisional Detention, Cases *The Prosecutor against Moinina Fofana*, Case No. SCSL – 2003 – 11 – PD and *The Prosecutor against Allieu Kondewa*, Case No. SCSL – 2003 – 12 – PD

In the Defence Office Reply to their Urgent Applications for Release from Provisional Detention in the above cited cases, Defence Counsel notes in paragraph 6 that the Prosecution Response is marked as received on 20 June 2003. Therefore, the Defence states that since the Prosecution Response was served out-of-time, the Trial Chamber is entitled to reject the Prosecution Response. As to the Defence assertion, the Prosecution offers the following explanation.

The Prosecution Response was delivered to the Court Management Section at about 4:50 p.m. on 19 June 2003 (See attached Statement, Gerald Stevens). At the time of delivery, Ms. Mariana Goetz stated that the coloured paper used to separate the authorities attached to the Response needed to be replaced with white size A4 paper. She handed Mr. Stevens some white paper so that he could replace the coloured paper. Mr. Stevens switched out the coloured paper writing the Annex numbers on the new dividers as he placed them in each Response package. Ms. Goetz called Mr. Simon Meisenberg to come and pick up the responses. I understand that Mr. Meisenberg carried the Prosecution Responses over to the Court Records Section, however, they had departed for the day. To my knowledge everyone believed, including Ms. Goetz, Mr. Meisenberg and Mr. Stevens, that the Responses had been filed on 19 June. Furthermore, the email electronic service on the Prosecution Responses stated that the Responses were filed on 19 June (see attached email) and even the Defence, in paragraph 1 of their Reply states that the Prosecution Response was “filed on 19 June 2003.”

This office had used the same or similar coloured paper at least twice before when filing documents with the Court Management Section with no objections being noted at the time of filing or subsequently passed on to the Prosecution. We endeavour to cooperate fully with the Court Management Section concerning the filing of documents and believe in this case that we did meet the filing deadline.

Thank you for your consideration.



Luc Côté
Chief of Prosecutions

CC: Defence Office (ATTN: Mr. Jones)
Court Management Section (ATTN: Ms. Goetz)
Court Records (Case file)

STATEMENT

I, Gerald L. Stevens, affirm this 25th day of June 2003, that the following is true:

On Thursday, 19 June 2003, at or about 1650, I arrived at the Court Management Section, Office of the Registry, Special Court for Sierra Leone. I purposefully checked my watch upon entering her office to make note of the time. I was there to file the Prosecution's Response to Application for Release from Provisional Detention in the cases of The Prosecutor v. Kondewa and The Prosecutor v. Fofana. Each response consists of 11 pages with 28 annexes and each index was separated with a sheet of 8 ½ by 11 inch brightly coloured paper. Ms. Mariana Goetz promptly told me the coloured sheets of paper do not comply with the rules as they are not A4 paper and she went on to say that coloured paper does not photocopy well. She offered as a solution that I could fix the problem on the spot by writing the annex number on a plain white sheet of A4 paper and she handed me some paper with which to do so. I sat down at a table in her office, removed each sheet of coloured paper and wrote the annex number on a sheet of plain white A4 paper. At some point while I was still labelling annexes and substituting them for the coloured paper dividers on the first case, Mariana telephoned Simon Meisenberg, a Legal Intern working in the Chambers Office, and he came down to her office to receive the files. Each time I labelled a stack of annexes, I handed them to Simon. Mariana gave me the impression the files would be stamped as received on 19 June 2003.


GERALD L. STEVENS



SCSL-Records
2003-06-23 12:32

To: SCSL-Defence/SCSL@SCSL, John Jones/SCSL@SCSL, Amira Alghali/SCSL@SCSL, Luc Cote/SCSL@SCSL, Gerald Stevens/SCSL@SCSL, Mariana Goetz/SCSL@SCSL, Wendy Hart/SCSL@SCSL, Giorgia Tortora/SCSL@SCSL, Saleem Vahidy/SCSL@SCSL, Robin Vincent/SCSL@SCSL, Robert Kirkwood/SCSL@SCSL, Musu D Kamara/SCSL@SCSL, Matteo Crippa/SCSL@SCSL, Simon Meisenberg/SCSL@SCSL, Beatrice Ureche/SCSL@SCSL, Bankole Thompson/SCSL@SCSL, Pierre Boutet/SCSL@SCSL, Benjamin Itoe/SCSL@SCSL
cc: Joseph Massaquoi/SCSL@SCSL
Subject: SCSL-03-11-PD-012 / SCSL-03-12-PD-012 : Electronic Service Fofana AND Kondewa Case

Please find attached the following documents filed 19 June 2003, in the Fofana Case, No. SCSL-03-11-PD, and Kondewa Case, No. SCSL-03-12-PD:

📎 SCSL-03-11-PD-012 - FOFANA - PROSECUTION RESPONSE TO APPLICATION FOR RELEASE FROM PROVISIONAL DETENTION - 19 JUNE 2003

📎 SCSL-03-12-PD-012 - KONDEWA - PROSECUTION RESPONSE TO APPLICATION FOR RELEASE FROM PROVISIONAL DETENTION - 19 JUNE 2003

Court Records
Court Management
Registry