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(11020 - 11022)

SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

FREETOWN - SIERRA LEONE

Before: Judge Benjamin Itoe
 Judge Bankole Thompson
 Judge Boutet

Registrar: Mr. Robin Vincent

Date filed: 6 December 2004

THE PROSECUTOR

Against

SAM HINGA NORMAN, MOININA FOFANA, and ALLIEU KONDEWA**CASE NO. SCSL - 2004 - 14 - T**

PROSECUTION RESPONSE TO JOINT MOTION BY HINGA NORMAN, MOININA FOFANA, AND ALLIEU KONDEWA SEEKING PERMISSION FOR DEFENCE INVESTIGATORS TO SIT IN COURT DURING CLOSED SESSIONS

Office of the Prosecutor:

Luc Côté
 James C. Johnson
 Kevin Tavener

Court Appointed Counsel for Samuel Hinga Norman

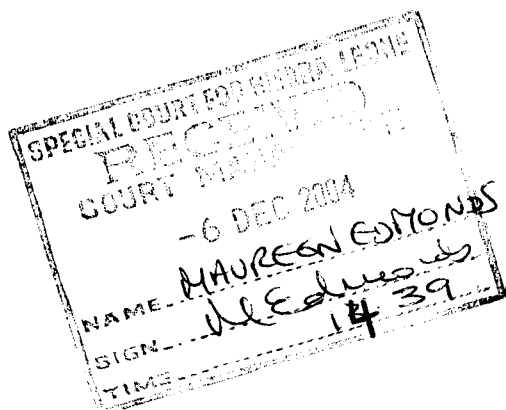
Dr. Bu-Buakei Jabbi
 John Wesley Hall, Jr.

Court Appointed Counsel for Moinina Fofana

Michiel Pestman
 Arrow J. Bokarie
 Victor Koppe

Court Appointed Counsel for Allieu Kondewa

Charles Margai
 Yada Williams
 Ansu Lansana



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I. INTRODUCTION

1. The Prosecution does not object to the Motion as submitted by the Defence. However, the Prosecution expresses the following concerns regarding implementation.

II. SUBMISSION

2. The Prosecution submits that due to the need to protect the identity of the witnesses appearing in closed session, and the sensitive nature of their testimony, it is appropriate that the Court exercise direct control over those persons who have unfettered access to the closed session testimonies.
3. As most investigators are not attorneys and therefore not officers of the court, the Prosecution submits that the legal practitioners who direct their activities should be directly responsible to the Court in respect of their conduct. That conduct includes the manner in which the investigators utilise the information acquired from attending closed sessions.

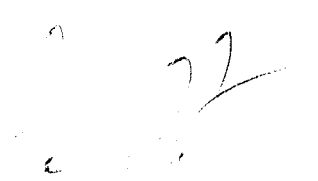
4. This precaution is in line with the Decision on Prosecution Motion for Modification of Protective Measures for Witness, dated 8 June 2004, Part III, Paragraph 2.)(g) which provides:

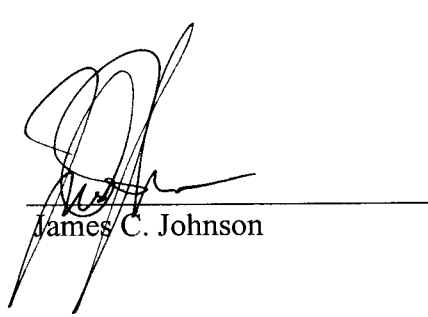
That the Defence shall maintain a log indicating the name, address and position of each person or entity which receives a copy of, or information from, a witness statement, interview report or summary of expected testimony, or any other non-public material, as well as the date of disclosure; and that the Defence shall ensure that the person to whom such information was disclosed follows the order of non-public disclosure.

III. CONCLUSION

5. In conclusion, the Prosecution does not oppose defence investigators sitting in court during closed session, provided that the senior defence team leader accepts responsibility for the conduct of their respective investigators.

Freetown, 6 December 2004



Luc Côté

James C. Johnson