

SCSL-2003-07-1-001(A)  
7 MARCH 2003  
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SPECIAL COURT FOR SIERRA LEONE

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March 6, 2003

Memorandum for: Confirming Judge, Special Court for Sierra Leone

Subject: PROSECUTOR MEMORANDUM TO ACCOMPANY INDICTMENT

1. Pursuant to my authority under Article 15 of the Statute of the Special Court for Sierra Leone (the Statute), I submit the attached Indictment on the basis that I am satisfied there is sufficient evidence to provide reasonable grounds for believing that **MORRIS KALLON also known as BILAI KARIM**, being a person who bears the greatest responsibility, has committed crimes within the jurisdiction of the Special Court.
2. I request that this Indictment be confirmed. To facilitate the confirmation process, I have attached an investigator statement summarizing the pertinent facts relating to the crimes charged. The investigator statement provides you with an ordered and concise review of the evidence. The investigator, trained in evidence collection and analysis, has provided relevant information to assist and expedite your review of the Indictment. In addition and should it be necessary, my representative is available to be heard on these matters during the confirmation process.
3. The first section of the Indictment lists the personal identifying information of the Accused. The next section sets forth General Allegations. The third section sets forth material facts relevant to the Accused's individual criminal responsibility. In the fourth and final section of the indictment I have set forth the crimes with which the Accused is charged and the material facts sufficient to adequately put the Accused on notice as to those crimes.

## Warrant of Arrest and Order for Transfer and Detention

4. Upon confirmation of the Indictment, I seek a Warrant of Arrest and an Order for Transfer and Detention.

## Application for Non-Disclosure

5. The suspect is at large and his arrest and subsequent surrender is dependent on the surrender to the jurisdiction of the Court. The Accused is one of several persons against whom I seek confirmation of indictments. This Accused and several of these other potential Accused are at large and may flee if the confirmed Indictment is made public before all indictees are arrested. In addition, this Accused and other indictees continue to have influence with members or ex-members of their respective factions who may assist these individuals to escape arrest if these Indictments become known before an arrest can be effected. For these reasons, I request an order of non-disclosure of the Indictment to the public.
6. The request for the order for non-disclosure is brought under the provisions of Rule 53 of the Rules which provides:

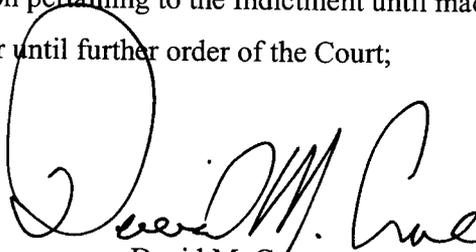
### *Rule 53: Non-disclosure*

- (A) *In exceptional circumstances, a Judge or a Trial Chamber may, in the interests of justice, order the non-disclosure to the public of any documents or information until further order.*
- (B) *When confirming an indictment the judge may, in consideration with the Prosecutor, order that there be no public disclosure of the indictment until it is served on the accused, or in the case of joint accused, on both the accused.*
- (C) *A Judge or Trial Chamber may, in consultation with the Prosecutor, also order that there be no disclosure of an indictment, or part thereof, or of all or any part of any particular document or information, if satisfied that the making of such an order is required to give effect to the provision of the Rules, to protect confidential information obtained by the Prosecutor, or otherwise in the interest of justice.*

7. As discussed above, it is critical that confidentiality is maintained to ensure that the Accused is not alerted to the prospect of arrest. I submit that this is an "exceptional circumstance," which, in the interests of justice, would justify the granting of an order for the non-disclosure to the public, including the media or any public record, of the Indictment or any part thereof or information pertaining to the Indictment, including the Warrant of Arrest. I request that such Order remain in effect until further Order by a judge of the Court, or in the interests of expediency, at my discretion when I find that the "exceptional circumstance" no longer exists.
8. I have requested non-disclosure to the public in relation to the Indictment, however, the attached investigator statement is not, in my submission, disclosable to the public. Should the Confirming Judge have a different view, I also request non-disclosure to the public concerning the attached investigator statement.

#### Orders Sought

9. I seek the following orders (sample orders attached):
  - (A) ORDER, confirming the Indictment against **MORRIS KALLON** dated 3 March 2003;
  - (B) ORDER, for a Warrant of Arrest and Transfer and Detention of the Accused;
  - (C) ORDER, pursuant to Rule 53 of the Rules, for the non-disclosure to the public, including the media or any public record, of the Indictment or any part thereof or information pertaining to the Indictment until made public by the Prosecutor or until further order of the Court;



David M. Crane  
The Prosecutor