

SPECIAL COURT FOR SIERRA LEONE

Before: Judge Bankole Thompson
Designated Judge

Registrar: Robin Vincent

Date filed: 15 April 2003

THE PROSECUTOR

v.

FODAY SAYBANA SANKOH a.k.a. POPAY, PAPA, PA

Case No. SCSL-2003-02-I

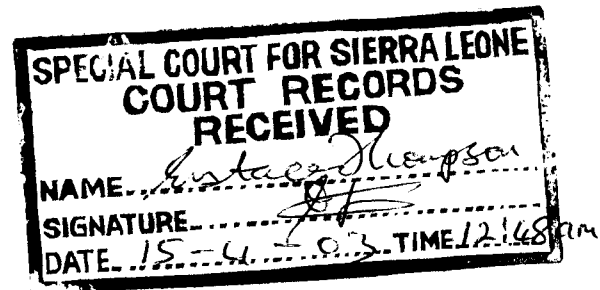
RESPONSE OF DEFENCE OFFICE
TO "EXTREMELY URGENT PROSECUTION MOTION
TO ALLOW DISCLOSURE TO THE REGISTRY AND
TO KEEP DISCLOSED MATERIAL UNDER SEAL UNTIL
APPROPRIATE PROTECTIVE MEASURES ARE IN PLACE"

Office of the Prosecutor

Luc Côté, Chief of Prosecutions
Brenda J. Hollis, Senior Trial Counsel

Defence Office

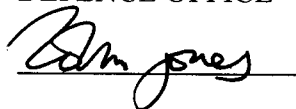
John R.W.D. Jones, Acting Chief of Defence Office and Legal Advisor
Claire Carlton-Hanciles, Defence Associate
Ibrahim Yillah, Defence Associate
Haddijatu Kah-Jallow, Defence Associate
Sam Scratch, Defence Intern



1. Pursuant to Rule 45 of the Rules of Procedure and Evidence (the “**Rules**”) of the Special Court for Sierra Leone (the “**Court**”), the Defence Office files this Response to the “*Extremely Urgent Prosecution Motion to Allow Disclosure to the Registry and to keep disclosed material under seal until appropriate protective measures are in place*”, dated 7 April 2003 and filed by the Registry on 9 April 2003 (“**Prosecution Disclosure Motion**”).
2. This Response is filed on behalf of Foday Saybana Sankoh, who has not been assigned Counsel.
3. The proceedings in the case of Mr. Sankoh are currently suspended, pursuant to the *Order for Physiological and Psychiatric Examination and Detention on Remand* dated 15 March 2003 and the *Order for Further Physiological and Psychiatric Examination* dated 21 March 2003. Mr. Sankoh’s Initial Appearance has been adjourned pending the carrying out of “*a further medical examination [of] the physiological and psychiatric condition of the Accused*”. A plea has not so far been entered on behalf of Mr. Sankoh. Since the Initial Appearance of Mr. Sankoh has not concluded, the time-limit for disclosure under Rule 66(A)(i) has not started to run, since – as confirmed in *Scheduling Orders* issued on 10 April 2003 in the cases of other indictees before the Court, “*that the 30 days period for disclosures pursuant to Rule 66(A)(i) and Rule 68(B) [...] should run from the date of the conclusion of the initial appearance of the Accused*” (emphasis added) Accordingly, the Defence Office submits that the Prosecution Motions are premature in the case of Mr. Sankoh.

Dated this 15th day of April, 2003

DEFENCE OFFICE



John R.W.D. Jones, Acting Chief of Defence Office and Legal Advisor

Claire Carlton-Hanciles, Defence Associate

Ibrahim Yillah, Defence Associate

Haddijatu Kah-Jallow, Defence Associate

Sam Scratch, Defence Intern