



SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

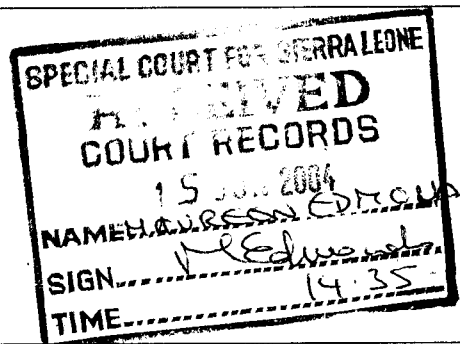
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Court Management Support – Court Records

CS7 - NOTICE OF DEFICIENT FILING FORM

Date:	15 th June 2004	Case Name:	The Prosecutor v. Sesay
		Case No:	SCSL-2004-15-PT
To:	PROSECUTION: X DEFENSE: Defence Office X CHAMBER: Trial Chamber OTHER: Sesay Defence Team		
From	Maureen Edmonds: Court Management		
CC:			
Subject	Pursuant to article 12 of the Directive to on Filing Documents before the Special Court, the following document(s) does not comply with the formal requirements laid down in Articles 3-11.		



Dated: 14th June 2004

Reason:

- Article 5: Mis-delivered to the Court Management Section
- Article 7 : Format of Motions and other processes
- Article 8 : Lengths and sizes of briefs and others
- Article 10 : After-hours filing
- Other reasons: **Filed out of time** to DISCLOSE RESPONSE
- TWO MOTIONS (REPLIES) WERE ATTACHED AND SENT TO RECAL OFFICER RAN-JALLOW DESIGNATED TO THE RUF FROM WAYNE JOSEASH AND SARETA ASIKARRA. I THOUGHT THAT THE REPLY WAS ONE AND THE SAME. RESPONSE, CONSULTED, LEAD COUNSEL, TIM CATSON, WHO SUGGESTED I FILED THE ONE FROM WAYNE. INSTRUCTED TO FILE THIS ONE TOO WHICH SHOULD HAVE BEEN FILED TOGETHER, WITH THE REPLY YESTERDAY. AT THE TIME THE REPLY'S WERE SENT, COUNSEL WERE IN DIFFERENT JURISDICTIONS - HAGUE AND DEN HAAG**

Sign ed:

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CMS7 FORM

THE SPECIAL COURT FOR SIERRA LEONE

BEFORE:

**Judge Benjamin Itoe
Judge Bankole Thompson
Judge Pierre Boutet**

Registrar: Mr. Robin Vincent

Date filed: 14th June 2004

The Prosecutor

-v-

Issa Hassan Sesay

Case No: SCSL – 2004 – 15 – PT

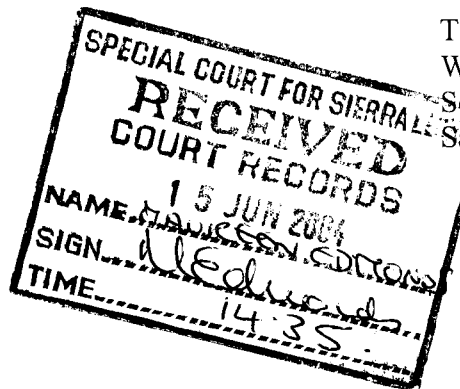
**DEFENCE REPLY TO PROSECUTION RESPONSE
TO DEFENCE MOTION**

Office of the Prosecutor

Luc Cote
Robert Petit

Defence

Tim Clayson
Wayne Jordash
Serry Kamal
Sareta Ashraph

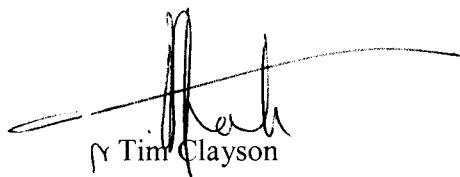


1. On 9th June 2004, the Prosecution filed its “Response” to the Defence Motion concerning the Prosecution disclosure of 26th April 2004. In its “Response”, the Prosecution states that it is its view that a pre-trial motion is “not intended to be employed as a channel for communicating intentions between parties”. The Prosecution further states it “will address any relevant issues concerning Rule 66, including the said allegations by the Defence, once they are raised in a properly fashioned pleading brought in accordance with the letter and spirit of the Rules of Procedure and Evidence”
2. The Defence notes that there is no provision in the Rules of Procedure and Evidence (“the Rules”) that sets out any prescribed form of a pre-trial motion. Where issues of disclosure are raised in national courts, it is common to have the matter aired before the Court in a pre-trial conference hearing as opposed to written pleadings. However, the realities of proceedings before the Special Court are that Defence Counsel are often based overseas and the Trial Chamber would have to be convened in order to deal with this one motion. In the circumstances, it is submitted that it is both logical and preferable to have the matter dealt with by way of written pleadings and further that there is nothing in the Rules that suggests that the Defence Motion is in any way improper.
3. As stated in paragraph 8 of the Defence Motion, the Defence is making “all reasonable endeavours to be ready for the 5th July 2004” and for this reason, has not asked the Court to make any specific order at this stage. The Defence, however, considers it remiss not to inform the Court and the Prosecution of the difficulties caused by late service of a large volume of matter at the earliest opportunity.
4. It is unfortunate, in the Defence’s view, that the Prosecution has chosen not to put its mind to the issues raised in the Defence Motion and has not taken this opportunity to explain why over 4000 pages of witness statements and interviews,

most of which could have been served many months before 26th April 2004, were disclosed so close to the trial date.

5. Finally, Annex C to the Defence Motion (the letter to the Prosecution, dated 28th May 2004) served to draw the Court's attention to the fact that there were problems with the disclosure served and that these were being resolved together with the Prosecution.

Dated this 14th day of June 2004



for Tim Clayson

Wayne Jordash

Serry Kamal

Sareta Ashraph