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SCSL-04-15-T  
(25646 - 25649)

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**THE SPECIAL COURT FOR SIERRA LEONE**

**BEFORE:**

Hon. Justice Bankole Thompson, Presiding  
Hon. Justice Pierre Boutet,  
Hon. Justice Benjamin Itoe

Registrar: Mr. Lovemore G. Munlo, SC

Date filed: 12<sup>th</sup> January 2007

SPECIAL COURT FOR SIERRA LEONE	
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COURT MANAGEMENT	
12 JAN 2007	
NAME	J. HONORABLE GEORGE
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**Issa Hassan Sesay**

-v-

**The Office of the Principal Defender ("The Defence Office")**

**Case No: SCSL - 04 - 15 - T**

*Logistical and Expert resources*

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**Defence Motion seeking an immediate consideration of the merits of the  
Defence Motions (for adequate resources pursuant to Rule 45  
and/or pursuant to the Registrar's duty to ensure equality of arms  
(Application I and II))**

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**Office of the Principal Defender**  
Vincent Nmehielle

**Defence Counsel**  
Mr. Wayne Jordash  
Ms. Sareta Ashraph

1. On the 9<sup>th</sup> January 2007 the Defence filed an application before Trial Chamber I seeking adequate resources pursuant to Rule 45 and/or pursuant to the Registrar's duty to ensure equality of arms ("The Motions I and II"). The Defence sought resources relating to both logistics and those pertaining to adequate funding for Defence experts.
2. On the 10<sup>th</sup> January 2007 Honourable Justice Bankole Thompson, Presiding Judge of Trial Chamber I, ruled "Considering that the fair and expeditious consideration of the Motion requires the imposition of an expedited timetable for the filing of any remaining written submissions" and thus "Any response to the Motion by the Office of the Principle Defender shall be filed no later than Friday, the 12<sup>th</sup> January 2007 at 4:00pm."<sup>1</sup>
3. On the 12<sup>th</sup> January 2007 the Defence Office purported to file a Response ("The purported Response"). The purported Response fails to deal with the merits of Motions I and II, and "suggests that the Sesay Defence Team redirect its application to the appropriate party (that is, the Registry), which party will then address the merits of the said applications."<sup>2</sup>

#### **Submission**

4. It is submitted that the Defence Office and/or the Registry are attempting to thwart the spirit and the letter of the Order for Expedited Filing and their purported Response endangers the rights of the accused to a fair and expeditious trial. The Defence Office accepts that they form part of the Registry. It follows that service upon them of Motions I and II is service upon the Registry. The Registry cannot therefore claim *not* to have been properly served with Motions I and II. The Defence Office and/or the Registry have, *de facto*, refused to comply with the

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<sup>1</sup> *Sesay v. the Office of the Principal Defender*, SCSL-04-15-675, "Order for Expedited Filings," 10 January 2007, at page 2.

<sup>2</sup> *Sesay v. the Office of the Principal Defender*, SCSL-04-15-676, "Response to Application Seeking Adequate Resources Pursuant to Rule 45 and/or Pursuant to the Registrar's Duty to Ensure Equality of Arms (Application I – *Logistical Resources* and Application II – *Expert Provision*)," 12 January 2007, at paragraph 5.


Order for Expedited Filings and therefore can be assumed to accept the merits therein.

5. Moreover the Defence Office has specific obligations pursuant to Rule 45. It therefore has an irrevocable and specific obligation to deal with any application alleging a breach of those duties. It cannot abdicate responsibility given the wording of Rule 45 which is clearly mandatory and specific to *its* functions.

**Request**

6. In order to ensure the rights of the Accused to a fair and expeditious trial the Defence seeks an immediate consideration of the merits of Motions I and II. In the alternative, the Defence respectfully seeks an immediate order compelling the Registry/Defence Office to immediately respond to the merits of Motions I and II, or alternatively to indicate their lack of intention to respond to the merits of the submissions therein.

Dated 12<sup>th</sup> January 2007

  
PP Wayne Jordash  
PP Sareta Ashraph

**BOOK OF AUTHORITIES****Decisions and Orders**

*Sesay v. the Office of the Principal Defender*, SCSL-04-15-675, “Order for Expedited Filings,” 10 January 2007.

**Motions**

*Sesay v. the Office of the Principal Defender*, SCSL-04-15-676, “Response to Application Seeking Adequate Resources Pursuant to Rule 45 and/or Pursuant to the Registrar’s Duty to Ensure Equality of Arms (Application I – *Logistical Resources* and Application II – *Expert Provision*),” 12 January 2007.