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SCSL - 04 - 15 - T
(25643 - 25645)

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THE SPECIAL COURT FOR SIERRA LEONE

BEFORE:

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

Registrar: Mr. Lovemore G. Munlo, SC

Date filed: 12th January 2006



Issa Hassan Sesay

-v-

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

Case No: SCSL-2004-15-T

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*).

Office of the Principal Defender
Mr. Vincent O. Nmehielle

Defence Counsel
Mr. Wayne Jordash
Ms. Sareta Ashraph

I. INTRODUCTION/PROCEDURAL BACKGROUND

1. On 9th January 2007, Mr. Wayne Jordash and Ms. Sareta Ashraph, Counsel for Mr. Issa Hassan Sesay (hereinafter “the Sesay Defence Team”), 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 (*Application I – Logistical Resources*). On the same day, the Sesay Defence Team filed a second application seeking adequate resources pursuant to Rule 45 and/or pursuant to the Registrar’s duty to ensure equality arms (*Application II – Expert Provision*).
2. In both motions, the Sesay Defence Team requested an order for expedited filing of pleadings which order was granted on the 10th of January 2007 by the Honourable Justice Bankole Thompson, Presiding Judge, Trial Chamber I.¹
3. For the purposes of economy and expediency, the Office of the Principal Defender (“the Defence Office”) will respond to both applications jointly.

II. RESPONSE: The Defence Office is not the proper party to this motion

4. The Defence Office respectfully submits that it is not the primary party to this application as it is “directly under the Office of the Registrar and subject to the general and specific directions of the Registrar.”² Moreover the inference can be drawn that the reference to the Registrar in the said applications is an acknowledgement by the Sesay Defence Team that the Defence Office enjoys neither administrative nor budgetary independence to determine the nature and scope of resources allocated to their team or, for that matter, other defence teams. Indeed, as Trial Chamber I has ruled, the Defence Office does not enjoy “institutional autonomy and independence as a separate organ of the Court.”³

¹ See Prosecutor v. Issa Hassan Sesay, Morris Kallon, Augustine Gbao, SCSL-04-15-T-675, ‘Order for Expedited Filing’, 10th January 2007.

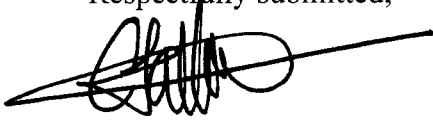
² See Prosecutor v. Issa Hassan Sesay, Morris Kallon, Augustine Gbao, SCSL-04-15-T-584, ‘Written Reasons for the Decision on Application by Counsel for the Third Accused to Withdraw from the Case’ 19th June 2006, para. 40. See also paras. 41-44.

³ Ibid. at para. 40. For more on the role of the Defence Office, see also Prosecutor v. Brima, Kamara, and Kanu, SCSL-04-16-AR 73, ‘Decision On Brima –Kamara Defence Appeal Motion against Trial Chamber

III. CONCLUSION

5. In the light of the above, the Defence Office respectfully 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.

Respectfully submitted,



Charles Jalloh, Legal Advisor and Officer in Charge, Defence Office for Vincent O. Nmehielle, Principal Defender.
12th January 2007.

II Majority Decision on Extremely Urgent Confidential Joint Motion for the Reappointment of Kevin Metzger and Wilbert Harris as Lead Counsel for Alex Tamba Brima and Brima Bazzy Kamara', 8th December 2005, para 83.