

36

SCSL-2004-16-PT

582

(582-587)

**SPECIAL COURT FOR
SIERRA LEONE**

Case No. SCSL-2004-16-PT

Before: Judge Bankole Thompson, Presiding
Judge Benjamin Mutanga Itoe
Judge Pierre Boutet

Registrar: Robin Vincent

Date filed: March 19, 2004

THE PROSECUTOR

against

SANTIGIE BORBOR KANU

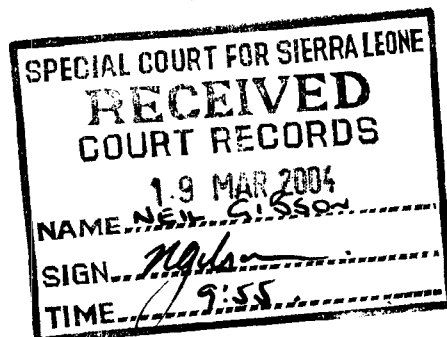
**KANU – ADDITIONAL MOTION FOR EXCLUSION OF PROSECUTION WITNESS
STATEMENTS AND STAY ON FILING OF PROSECUTION WITNESS STATEMENTS
PURSUANT TO RULES 5 AND 66(A)(i)**

Office of the Prosecutor:

Luc Coté
Robert Petit
Paul Flynn
Abdul Tejan-Cole
Boi Tia-Stevens
Christopher Santora
Sharan Parmar
Sigall Horovitz

Defense Counsel:

Geert-Jan Alexander Knoops, Lead Counsel
Carry J. Knoops, Co-Counsel
J.O.D. Cole, Co-Counsel
A.E. Manly-Spain, Co-Counsel



1. In furtherance to the Defense “Motion Motion for Exclusion of Prosecution Witness Statements and Stay on Filing of Prosecution Witness Statements Pursuant to Rules 5 and 66(A)(i),” (“**Initial Motion**”) filed on March 18, 2004, the Defense herewith files its “Additional Motion Motion for Exclusion of Prosecution Witness Statements and Stay on Filing of Prosecution Witness Statements Pursuant to Rules 5 and 66(A)(i)” (“**Additional Motion**”).
2. It should be remarked that several witness statements disclosed after October 23, 2003 pertain to testimonies taken a considerable time before the initial appearance of the Accused on September 23, 2003.
3. Attached to this Additional Motion goes as **exhibit 1** the accompanying letter to the last Prosecution disclosure received on March 18, 2004, directed to the Defense, comprising (additional) witness statements of, *inter alia*:
 - TF1-008 of November 25, 2002;
 - TF1-340 of October 17, 2002;
 - TF1-341 of October 14, 2002.
4. These witness statements therefore were already available more than one year before the initial appearance of the Accused so that the filing thereof on March 18, 2004 to the Defense does seriously infringe the disclosure system as envisioned by the Rules of Procedure and Evidence, which disclosure system is mandatory in its nature.¹
5. In view of the object and purpose of Rule 66(A)(i) of the Rules, as delineated in the Initial Motion, at least the statements as meant under para. 3 above, should be excluded from the case file and being called to testify at trial. The same goes for

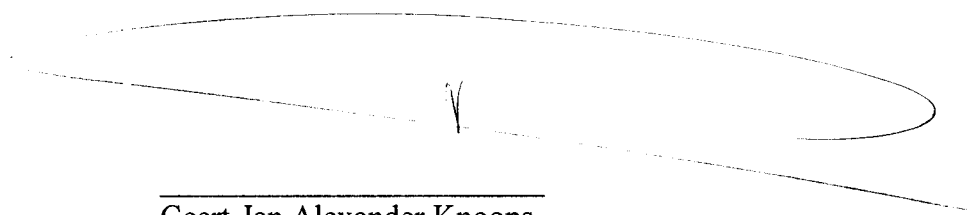
¹ See Initial Motion, para. 8.

524

all other witness statements taken before the initial appearance of the Accused, though filed after the time limit embedded in Rule 66(A)(i).

6. The Defense respectfully requests the Trial Chamber to take the abovementioned argument into account when assessing the Initial Motion.

Respectfully submitted,
Done at this 19th day of March 2004



Geert-Jan Alexander Knoops
Lead Counsel



EXHIBIT 1

585

SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

PHONE: +1 212 963 9915 Extension: 178 7100 or +39 0831 257100 or +232 22 236527

FAX: Extension: 174 6998 or +39 0831 236998 or +232 22 295998

Mr. Geert-Jan Knoops
Knoops & Partners
Apollolaan 58
Amsterdam 1077 BC
The Netherlands

March 18, 2004

Dear Mr. Knoops,

Re: The Prosecutor Against Santigie Bobor Kanu

Pursuant to its continuing disclosure obligations under Rule 66 and Rule 68, the Prosecution hereby serves you with the attached materials. The Prosecution has also provided you with a detailed receipt itemizing the materials disclosed. TF1-340 and TF1-341 are disclosed pursuant to Rule 68, whereas the remaining statements are disclosed pursuant to Rule 66 and Rule 68. TF1-081 titled Medical Report relates to the testimony of a witness whose redacted statement was disclosed previously under this pseudonym. Please review the receipt and materials provided, sign the receipt and return it to the Prosecution as soon as possible. Please advise the Prosecution in writing of any missing materials.

The disclosed material is intended solely for your use in connection with the above-captioned case. The material is not to be disclosed to the public or the media, nor kept for personal use. Should you withdraw from representation of this Accused prior to the conclusion of proceedings in this case, please remit the disclosed materials to your replacement counsel or to the Defence team. We also request that, at the conclusion of proceedings in this case, all material disclosed to the Defence team by the Prosecution be remitted to the Registry for appropriate disposition.

Thank you for your cooperation.

Very truly yours,

for Robert Petit
Senior Trial Counsel

506



SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

JOMO KENYATTA ROAD • NEW ENGLAND • FREETOWN • SIERRA LEONE
PHONE: +1 212 963 9915 Extension: 178 7100 or +39 0831 257100 or +232 22 236527
FAX: EXTENSION: 174 6998 OR +39 0831 236998 OR +232 22 295998

PROSECUTOR Against SANTIGIE BOBOR KANU

CASE NO. SCSL-2003-16-PT

RECEIPT

Pursuant to the prosecution's disclosure obligation, redacted statements or confirmation interview notes of expected testimonies from witnesses bearing the following pseudonyms, unredacted interview transcripts of two witnesses and a medical report were submitted to counsel for the accused, Mr. Geert-Jan Knoops, on March 18 2004.

No.	Witness Pseudonym	Dates of Interview/Summary/ or Confirmation Interview Notes (CIN)	No. of Pages
1	TF1-008	25 November 2002	2
2	TF1-012	27 January 2004 (CIN)	1
3	TF1-013	26 January 2004 (CIN)	1
4	TF1-016	28 January 2004 (CIN)	1
5	TF1-020	1 March 2004 (CIN)	1
6	TF1-036	28 January 2004 (CIN)	2
7	TF1-062	27 January 2004 (CIN)	2
8	TF1-067	26 January 2004 (CIN)	1
9	TF1-072	26 January 2004 (CIN)	1
10	TF1-074	28 January 2004 (CIN)	1

587.

11	TF1-077	27 January 2004 (CIN)	1
12	TF1-081	Medical Report on Abducted Victims March to December 1999	2
13	TF1-164	28 February 2003	3
14	TF1-165	28 February 2003	3
15	TF1-166	22 May 2003 (Summary)	1
16	TF1-195	28 January 2004	1
17	TF1-205	25 February 2004	1
18	TF1-340	17 October 2002 (unredacted transcript of interview)	39, 19
19	TF1-341	14 October 2002 (unredacted transcript of interview)	33, 49, 39, 41

I,-----, acknowledge receipt of the items listed above.

Signature _____

Date _____