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SCSL-04-16-T
(18347-18350)

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**SPECIAL COURT FOR
SIERRA LEONE**

Case No. SCSL-2004-16-T

Before: Justice Richard Lussick, Presiding
Justice Teresa Doherty
Justice Julia Sebutinde

Registrar: Lovemore G. Munlo, SC

Date filed: 12 July 2006

THE PROSECUTOR

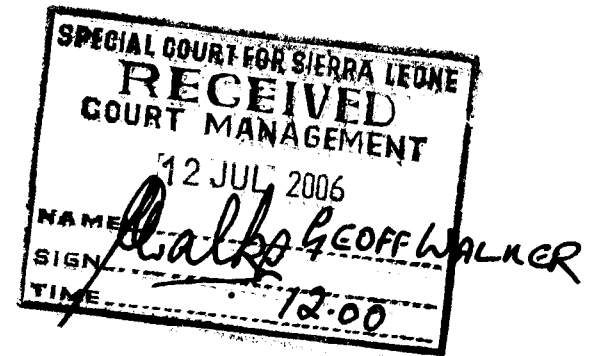
against

ALEX TAMBA BRIMA

BRIMA BAZZY KAMARA

and

SANTIGIE BORBOR KANU



PUBLIC

**KANU – RESPONSE TO PROSECUTION MOTION FOR RELIEF
IN RESPECT OF VIOLATIONS OF RULE 67**

Office of the Prosecutor:
Christopher Staker

Defence Counsel for Kanu:
Geert-Jan A. Knoops, Lead Counsel
Cary J. Knoops, Co-Counsel
A.E. Manly-Spain, Co-Counsel

Defence Counsel for Brima:
Kojo Graham
Glenna Thompson

Defence Counsel for Kamara:
Andrew Daniels
Mohamed Pa-Momo Fofanah

I INTRODUCTION

1. On 7 July 2006, the Prosecution filed a “Prosecution Motion for Relief in Respect of Violations of Rule 67” (“**Prosecution Motion**”).¹ The Defence for the Third Accused, Mr. Santigie Borbor Kanu, herewith files a response thereto.

II ARGUMENTS

2. The Prosecution alleges that “[t]he Defence for the First and Third Accused are in breach of Rule 67.”²
3. The Prosecution Motion alleges that “it is reasonable to anticipate that the Defence for the Third Accused will also raise an alibi defence as part of its case.”³ Moreover, the Prosecution Motion concludes that “[i]f it is the intention of the Defence for the Third Accused to rely on the evidence of the First Accused (...), or to present any further evidence to similar effect, then it is submitted that the Defence for the Third Accused is also in breach of its obligations under Rule 67(A)(ii).”⁴
4. Firstly, it should be noted that no Defence can reasonably be held to be in breach of any of the Rules, merely based on an assumption of the Prosecution, and anticipated Defence conduct. The same counts for a mere assumption such as set out in para. 23 of the Prosecution Motion, saying that “presumably, the Defence for each Accused has been acting on the instructions of their respective clients.” It is the Defence opinion that these arguments are frivolous and cannot amount to

¹ *Prosecutor v. Brima, Kamara and Kanu*, Prosecution Motion for Relief in Respect of Violations of Rule 67, 7 July 2006, Case No. SCSL-2004-16-T-508.

² Prosecution Motion, par. 5.

³ Prosecution Motion, par. 9.

⁴ Prosecution Motion, par. 24.

legal arguments to be put before an international tribunal.⁵ For these reasons, the Motion should be dismissed.

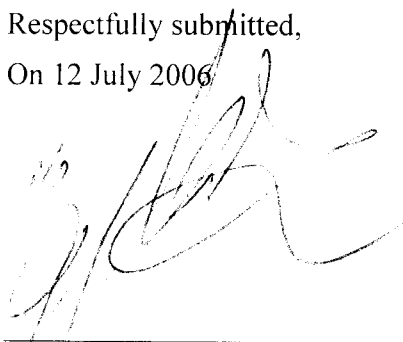
5. In the alternative, the Defence herewith indicates that it does *not* intend to rely on the particular portions of the evidence the Prosecution is referring to in para. 24 of its Motion.

III CONCLUSION

6. The Defence respectfully requests the honourable Trial Chamber to dismiss the Prosecution Motion insofar as it alleges that the Third Accused is in breach of Rule 67.

Respectfully submitted,

On 12 July 2006



Geert-Jan Alexander Knoops

⁵ Leaving aside the issue that the Defence for the Third Accused, like the Trial Chamber and Prosecution, was not disclosed a detailed statement of Mr. Brima before his testimony.

TABLE OF AUTHORITIES

- *Prosecutor v. Brima, Kamara and Kanu*, Prosecution Motion for Relief in Respect of Violations of Rule 67, 7 July 2006, Case No. SCSL-2004-16-T-508.