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SCSL-04-14-T
(19389 - 19391)

19389

SPECIAL COURT FOR SIERRA LEONE

In Trial Chamber I

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

Registrar: Mr Lovemore Munlo, SC

Date: 16 October 2006

THE PROSECUTOR

-against-

SAMUEL HINGA NORMAN, MOININA FOFANA, and ALLIEU KONDEWA

SCSL-2004-14-T

PUBLIC

**FOFANA RESPONSE TO PROSECUTION MOTION FOR IMMEDIATE
PROTECTIVE MEASURES FOR PROPOSED REBUTTAL WITNESS**

For the Office of the Prosecutor:

Mr Christopher Staker
Mr James C. Johnson
Mr Joseph Kamara

For Samuel Hinga Norman:

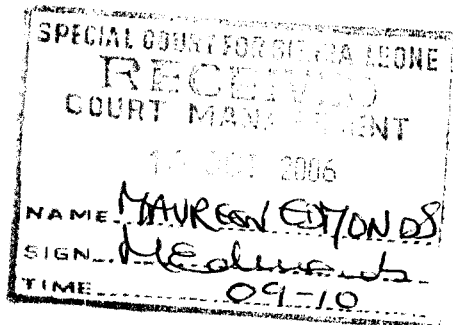
Dr Bu-Buakei Jabbi
Mr Alusine Sani Sesay
Mr John Wesley Hall

For Moinina Fofana:

Mr Steven Powles
Mr Arrow Bockarie
Mr Michiel Pestman
Mr Victor Koppe

For Allieu Kondewa:

Mr Charles Margai
Mr Ansu Lansana
Mr Yada Williams
Ms Susan Wright



SUBMISSIONS

1. Pursuant to the Trial Chamber's 'Order for Expedited Filing'¹, counsel for the Second Accused, Mr Moinina Fofana, (the "Defence") hereby files its initial response to the 'Prosecution Motion for Leave to Call Evidence in Rebuttal and for Immediate Protective Measures for Proposed Rebuttal Witness' (the "Motion")².
2. The Motion seeks (i) leave of the Trial Chamber to call evidence in rebuttal and (ii) protective measures for the proposed rebuttal witness.
3. Assuming the proposed evidence is properly a matter for rebuttal, the Defence does not oppose the request for protective measures for the proposed witness. However, in order to evaluate and properly respond to the first request contained in the Motion, the Defence submits that it must be in possession of all available particulars regarding the proposed evidence. Because Annex A of the Motion sets out only in very general terms and in summary form the proposed rebuttal evidence, the Defence is unable to draw the necessary factual analogies to the jurisprudence cited in the Motion.
4. Accordingly, the Defence respectfully requests that the "interview notes and the unredacted statement of the rebuttal witness"³ be disclosed to the Defence, on a confidential basis, as a matter of urgency. This will provide the Defence with sufficient time to formulate and submit proper arguments in response to the Motion. In the absence of such disclosure, it will be very difficult for the Defence to file a definitive and meaningful response.
5. The Defence is anxious not to delay matters and is mindful of its obligation to file a full response to the Motion by 4:00 pm on 16 October 2006⁴. The Defence therefore respectfully requests the Trial Chamber to order disclosure of the interview notes and unredacted statement by 12:00 pm on 16 October 2006.

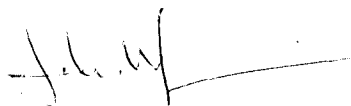
¹ *Prosecutor v. Norman, et al.*, SCSL-2004-14-T-716, 13 October 2006.

² *Prosecutor v. Norman, et al.*, SCSL-2004-14-T-715, 13 October 2006.

³ Motion, ¶ 18.

⁴ See n 1, *supra*.

COUNSEL FOR MOININA FOFANA



Steven Powles

