

263

SCSL-2004-16-T  
(8690 - 8705)

8690

SPECIAL COURT FOR  
SIERRA LEONE  
Case No. SCSL-2004-16-T

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

Registrar: Robin Vincent

Date filed: May 12, 2005

THE PROSECUTOR

Against

ALEX TAMBA BRIMA

BRIMA BAZZY KAMARA

And

SANTIGIE BORBOR KANU

---

DEFENCE SUBMISSION PROVIDING EVIDENTIARY PROOF OF  
REGISTRY'S REPEATED DISSEMINATION OF CONFIDENTIAL  
DEFENCE/PROSECUTION TRIAL CHAMBER DOCUMENTS TO  
PRESS AND PUBLIC AFFAIRS

---

Office of The Prosecutor:  
Leslie Taylor

Defence Counsel For Brima:  
Glenna Thompson

Defence Counsel for Kanu:  
A.E. Manly-Spaine

Defence Counsel for Kamara:  
Mohamed Pa-Momo Fofanah

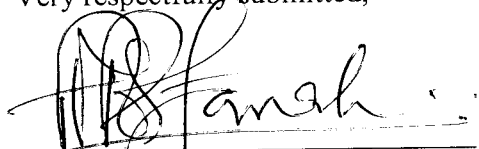
SPECIAL COURT FOR SIERRA LEONE  
RECEIVED  
COURT MANAGEMENT  
13 MAY 2005  
NAME: MAUREEN EDMONDS  
SIGN: M. Edmonds  
TIME: 09.55

I, Mohamed Pa-Momo Fofanah, Co-Counsel for Brima Bazy Kamara an Accused in the aforementioned case presently being heard by Trial Chamber II, hereby submit, in support of the breach of confidentiality matter raised during the 11 May 2005 proceedings, as follows:

1. On 12 May 2005, Ms. Glenna Thompson, Co-Counsel for Alex Tamba Brima raised an issue concerning breach of confidentiality by the Court's Registry/CMS, when it e-mailed confidential Defence and Prosecution documents to the Chief of Press and Public Affairs, Ms. Allison Cooper;
2. In response to Ms. Thompson, Ms. Simone Monasebian, indicated to the Trial Chamber that the Chief of Court Management informed her the day before that the Registrar had previously instructed him to provide Ms. Cooper of the Press Office with all confidential documents between the parties;
3. As further investigation now shows that there are many instances of this breach of confidentiality, we are hereby appending the following documents showing repeated dissemination by Court Management of CONFIDENTIAL Defence and Prosecution documents to Ms. Allison Cooper, of Press Office:
  - a. Attachment A: "Confidential Prosecution Submissions In Response To Defence Submissions Disclosed To The Prosecution In Their Unredacted Form Pursuant To Order 6 May 2005."
  - b. Attachment B: Ms. Simone Monasebian's e-mail of 11 May 2005 to Chambers' Legal Officers as well as Prosecution and Defence, asking for this matter to be brought to the Chamber's attention;
  - c. Attachment C: Several other documents from Trial Chamber II and Trial Chamber I, where confidential Trial Chamber documents were disseminated to the Press Office.
4. The proof provided herewith is intended to assist the Court in remedying this situation, which is an *ultra vires* breach of confidentiality.
5. As has been said in Court today, we find said dissemination very inappropriate and respectfully request that the Trial Chamber instruct Court Management not to send any confidential Defence or Prosecution filings (particularly those mentioning confidential Defence issues) to the Press and Public Affairs Office, whose only purpose is to disseminate information. This is neither a "press" matter nor a "public affairs" matter. If information is confidential and not to be disseminated then the Press and Public Affairs Office should not have it.

Moreover it is the *Trial Chamber Judges* and not the Registrar that must determine who, if anyone, should receive such documents, and then only with notice and an opportunity to be heard on the matter by the Prosecution and Defence.

Very respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. P. Fofanah', written over a horizontal line.

Co-Counsel Mohamed P. Fofanah  
On behalf of Brima Bazzy Kamara Defence Team

12 May 2005, Freetown

**LIST OF ATTACHMENTS.**

1. Attachment A: "Confidential Prosecution Submissions In Response To Defence Submissions Disclosed To The Prosecution In Their Unredacted Form Pursuant To Order 6 May 2005."
2. Attachment B: Ms. Simone Monasebian's e-mail of 11 May 2005 to Chambers' Legal Officers as well as Prosecution and Defence, asking for this matter to be brought to the Chamber's attention.
3. Attachment C: Several other documents from Trial Chamber II and Trial Chamber I, where confidential Trial Chamber documents were disseminated to the Press Office.

A

8694

SCSL Defence-Kamara/SCSL

To Simone Monasebian/SCSL@SCSL

cc

11/05/2005 15:14

bcc

Subject Fw: Document Number: SCSL-04-16-257, CONFIDENTIAL PROSECUTION SUBMISSIONS IN RESPONSE TO DEFENCE SUBMISSIONS DISCLOSED TO THE PROSECUTION IN THEIR UNREDACTED FORM PURSUANT TO ORDER DATED 6 MAY 2005 (attachment No. 2 )

----- Forwarded by SCSL Defence-Kamara/SCSL on 05/11/2005 03:12 PM -----



<SCSLCourtManagement@scsl>

05/09/2005 09:25 AM

To: <defence-brima@scsl>, <Metzkey@aol.com>, <gkojo@hotmail.com>, <gem982002@yahoo.co.uk>, <mpfofanah@yahoo.com>, <defence-kamara@scsl>, <harriswa1999@yahoo.com>, <shelugbu@yahoo.com>, <wessel.knoops@xs4all.nl>, <voortkvd@xs4all.nl>, <knoops@xs4all.nl>, <defence-kanu@scsl>, <coopera@scsl>, <scsl-records@scsl>, <thompson9@scsl>, <inyang@scsl>, <dolphinl@scsl>, <gibsonn@scsl>, <kerekes@un.org>, <suciu@scsl>, <anim@scsl>, <crane1@scsl>, <desilva2@scsl>, <stevensg@scsl>, <johnson30@scsl>, <taylor11@scsl>, <cotel@scsl>, <dimitrova@scsl>, <wallbridge@scsl>, <reiger@scsl>, <welsch@scsl>, <jtkamara@scsl>, <doherty1@scsl>, <lussick@scsl>, <sebutinde@scsl>, <crippa@scsl>, <reuss@scsl>, <salibekova@scsl>, <aitchison@scsl>, <lagara@scsl>  
cc: <gibsonn@SCSL>, <walker3@un.org>, <edmondsm@un.org>, <massaquoi@un.org>

Subject: Document Number: SCSL-04-16-257, CONFIDENTIAL PROSECUTION SUBMISSIONS IN RESPONSE TO DEFENCE SUBMISSIONS DISCLOSED TO THE PROSECUTION IN THEIR UNREDACTED FORM PURSUANT TO ORDER DATED 6 MAY 2005 (attachment No. 2 )

Please find attached: CONFIDENTIAL PROSECUTION SUBMISSIONS IN RESPONSE TO DEFENCE SUBMISSIONS DISCLOSED TO THE PROSECUTION IN THEIR UNREDACTED FORM PURSUANT TO ORDER DATED 6 MAY 2005, filed on the 09/05/2005 at 09:00, Document Number: SCSL-04-16-257.

If you have any questions regarding service of this document please contact Mr. Neil Gibson (gibsonn@un.org), Mr. Geoff Walker (walker3@un.org), Mrs. Maureen Edmonds (edmondsm@un.org) or Mr. Joseph Massaquoi (massaquoi@un.org).

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(attachment No. 2 ) SCSL-04-16-T-257.pdf

B

Simone Monasebian/SCSL  
05/11/2005 03:53 PM

To Matthias Reuss/SCSL@SCSL, Zainab Lagara/SCSL@SCSL, Simon Meisenberg/SCSL@SCSL  
cc Luc Cote/SCSL@SCSL, Elizabeth Nahamya/SCSL@SCSL, SCSL Defence-Kanu/SCSL@SCSL, SCSL Defence-Brima/SCSL@SCSL, SCSL Defence-Kamara/SCSL@SCSL, Claire Carlton-Hanciles/SCSL@SCSL, metzkey@aol.com  
bcc

Subject Fw: Document Number: SCSL-04-16-257, CONFIDENTIAL PROSECUTION SUBMISSIONS IN RESPONSE TO DEFENCE SUBMISSIONS DISCLOSED TO THE PROSECUTION IN THEIR UNREDACTED FORM PURSUANT TO ORDER DATED 6 MAY 2005 (attachment No. 2)

Dear All:

As you can see from the below service list, this document which was ordered filed on a confidential basis by Trial Chamber II, is being served on the Press and Public Affairs Officer by Court Management. I must say that I find that very inappropriate and respectfully request that the Trial Chamber instruct Court Management not to send any confidential Defence or Prosecution filings (particularly those mentioning confidential Defence security issues) to the Press Office, whose only purpose is to disseminate information. This does not occur at the other Tribunals. If information is confidential and not to be disseminated then the Press and Public Affairs Office should not have it.

I respectfully request that you bring this to the attention of all three Trial Chamber II Judges, and let them know of my concern in this regard.

Sincerely,

Simone Monasebian

----- Forwarded by Simone Monasebian/SCSL on 11/05/2005 15:43 -----

SCSL Defence-Kamara/SCSL

11/05/2005 15:14

To Simone Monasebian/SCSL@SCSL  
cc

Subject Fw: Document Number: SCSL-04-16-257, CONFIDENTIAL PROSECUTION SUBMISSIONS IN RESPONSE TO DEFENCE SUBMISSIONS DISCLOSED TO THE PROSECUTION IN THEIR UNREDACTED FORM PURSUANT TO ORDER DATED 6 MAY 2005 (attachment No. 2)

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05/09/2005 09:25 AM

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<kerekes@un.org>, <suciu@scsl>, <anim@scsl>, <crane1@scsl>, <desilva2@scsl>, <stevensg@scsl>, <johnson30@scsl>, <taylor11@scsl>, <cotel@scsl>, <dimitrova@scsl>, <wallbridge@scsl>, <reiger@scsl>, <welsch@scsl>, <jtkamara@scsl>, <doherty1@scsl>, <lussick@scsl>, <sebutinde@scsl>, <crippa@scsl>, <reuss@scsl>, <salibekova@scsl>, <aitchison@scsl>, <lagara@scsl>  
 cc: <gibsonn@SCSL>, <walker3@un.org>, <edmondsm@un.org>, <massaquoi@un.org>  
 Subject: Document Number: SCSL-04-16-257, CONFIDENTIAL PROSECUTION SUBMISSIONS IN RESPONSE TO DEFENCE SUBMISSIONS DISCLOSED TO THE PROSECUTION IN THEIR UNREDACTED FORM PURSUANT TO ORDER DATED 6 MAY 2005 (attachment No. 2 )

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(attachment No. 2 ) SCSL-04-16-T-257.pdf

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<SCSLCourtManagement@scsl>

05/06/2005 03:40 PM

To <reiger@scsl>, <welsch@scsl>, <omeally@scsl>, <jtkamara@scsl>, <emmanuelayoola1@yahoo.com>, <shanula123@yahoo.com>, <ggelagak@scsl>, <g.robertson@doughtystreet.co.uk>, <renatewinter@gmx.net>, <crippa@scsl>, <salibekova@scsl>, <aitchison@scsl>, <meisenberg@scsl>, <defence-brima@scsl>, <Metzkey@aol.com>, <gkojo@hotmail.com>, <gem982002@yahoo.co.uk>, <mpfofanah@yahoo.com>, <defence-kamara@scsl>, <harriswa1999@yahoo.com>, <nahamya@scsl>, <scsl-defence@scsl>, <monasebian@scsl>, <pyne-caulker@scsl>, <coopera@scsl>, <scsl-records@scsl>, <thompson9@scsl>, <inyang@scsl>, <dolphinl@scsl>, <gibsonn@scsl>, <kerekes@un.org>, <suciu@scsl>, <anim@scsl>, <crane1@scsl>, <desilva2@scsl>, <stevensg@scsl>, <johnson30@scsl>, <taylor11@scsl>, <cotel@scsl>, <dimitrova@scsl>, <wallbridge@scsl>, <coopera@scsl>, <scsl-pressoffice@scsl>, <vahidy@scsl>, <reiger@scsl>, <welsch@scsl>, <jtkamara@scsl>, <dohertyt@scsl>, <lussick@scsl>, <sebutinde@scsl>, <crippa@scsl>, <reuss@scsl>, <salibekova@scsl>, <aitchison@scsl>, <lagara@scsl>

cc <gibsonn@SCSL>, <walker3@un.org>, <edmondsm@un.org>, <massaquoi@un.org>

bcc

Subject Document Number: SCSL-04-16-256, RENEWED CONFIDENTIAL JOINT DEFENCE SUBMISSIONS ON THE WITHDRAWAL OF COUNSEL IN THE AFRC CASE. (attachment No. 1)

Please find attached: RENEWED CONFIDENTIAL JOINT DEFENCE SUBMISSIONS ON THE WITHDRAWAL OF COUNSEL IN THE AFRC CASE., filed on the 06/05/2005 at 14:00, Document Number: SCSL-04-16-256.

If you have any questions regarding service of this document please contact Mr. Neil Gibson (gibsonn@un.org), Mr. Geoff Walker (walker3@un.org), Mrs. Maureen Edmonds (edmondsm@un.org) or Mr. Joseph Massaquoi (massaquoi@un.org).

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cc <gibsonn@SCSL>, <walker3@un.org>, <edmondsm@un.org>, <massaquoi@un.org>

bcc

Subject Document Number: SCSL-04-16-253, CONFIDENTIAL  
JOINT DEFENCE MOTION FOR GENERAL ORDERS  
PURSUANT TO RULE 54 (attachment No. 2)

Please find attached: CONFIDENTIAL JOINT DEFENCE MOTION FOR GENERAL ORDERS PURSUANT TO RULE 54, filed on the 05/05/2005 at 17:00, Document Number: SCSL-04-16-253.

If you have any questions regarding service of this document please contact Mr. Neil Gibson (gibsonn@un.org), Mr. Geoff Walker (walker3@un.org), Mrs. Maureen Edmonds (edmondsm@un.org) or Mr. Joseph Massaquoi (massaquoi@un.org).

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<SCSLCourtManagement@scsl>

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To <defence-brima@scsl>, <Metzkey@aol.com>, <gkojo@hotmail.com>, <gem982002@yahoo.co.uk>, <mpfofanah@yahoo.com>, <defence-kamara@scsl>, <harriswa1999@yahoo.com>, <shelugbu@yahoo.com>, <wessel.knoops@xs4all.nl>, <voortkvd@xs4all.nl>, <knoops@xs4all.nl>, <defence-kanu@scsl>, <nahamya@scsl>, <scsl-defence@scsl>, <monasebian@scsl>, <pyne-caulker@scsl>, <coopers@scsl>, <scsl-records@scsl>, <thompson9@scsl>, <inyang@scsl>, <dolphin1@scsl>, <gibsonn@scsl>, <kerekes@un.org>, <suciu@scsl>, <anim@scsl>, <crane1@scsl>, <desilva2@scsl>, <stevensg@scsl>, <johnson30@scsl>, <taylor11@scsl>, <cotel@scsl>, <dimitrova@scsl>, <wallbridge@scsl>, <reiger@scsl>, <welsch@scsl>, <jtkamara@scsl>, <dohertyt@scsl>, <lussick@scsl>, <sebutinde@scsl>, <crippa@scsl>, <reuss@scsl>, <salibekova@scsl>, <aitchison@scsl>, <lagara@scsl>

cc <gibsonn@SCSL>, <walker3@un.org>, <edmondsm@un.org>, <massaquoi@un.org>

bcc

Subject Document Number: SCSL-04-16-255, CONFIDENTIAL KANU - DEFENCE RESPONSE TO ORDER TO SHOW CAUSE AND SCHEDULING ORDER (attachment No. 1)

Please find attached: CONFIDENTIAL KANU - DEFENCE RESPONSE TO ORDER TO SHOW CAUSE AND SCHEDULING ORDER, filed on the 06/05/2005 at 09:50, Document Number: SCSL-04-16-255.

If you have any questions regarding service of this document please contact Mr. Neil Gibson (gibsonn@un.org), Mr. Geoff Walker (walker3@un.org), Mrs. Maureen Edmonds (edmondsm@un.org) or Mr. Joseph Massaquoi (massaquoi@un.org).

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C

8700



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10/05/2005 15:36

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cc <gibsonn@SCSL>, <walker3@un.org>, <edmondsm@un.org>, <massaquoi@un.org>

bcc

Subject Document Number: SCSL-04-16-258, CONFIDENTIAL  
 ADDITIONAL PROSECUTION WITNESS STATEMENT  
 (attachment No. 2 )

Please find attached: CONFIDENTIAL ADDITIONAL PROSECUTION WITNESS STATEMENT, filed on the 10/05/2005 at 15:20, Document Number: SCSL-04-16-258.

If you have any questions regarding service of this document please contact Mr. Neil Gibson (gibsonn@un.org), Mr. Geoff Walker (walker3@un.org), Mrs. Maureen Edmonds (edmondsm@un.org) or Mr. Joseph Massaquoi (massaquoi@un.org).

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<SCSLCourtManagement@scsl>

05/05/2005 01:43 PM

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cc <gibsonn@SCSL>, <walker3@un.org>, <edmondsm@un.org>, <massaquoi@un.org>

bcc

Subject Document Number: SCSL-04-16-251, CONFIDENTIAL PROSECUTION FILING OF EXPERT REPORT PURSUANT TO RULE 94(BIS) (attachment No. 2)

Please find attached: CONFIDENTIAL PROSECUTION FILING OF EXPERT REPORT PURSUANT TO RULE 94(BIS), filed on the 05/05/2005 at 13:25, Document Number: SCSL-04-16-251.

If you have any questions regarding service of this document please contact Mr. Neil Gibson (gibsonn@un.org), Mr. Geoff Walker (walker3@un.org), Mrs. Maureen Edmonds (edmondsm@un.org) or Mr. Joseph Massaquoi (massaquoi@un.org).

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05/05/2005 01:43 PM

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cc <gibsonn@SCSL>, <walker3@un.org>, <edmondsm@un.org>, <massaquoi@un.org>

bcc

Subject Document Number: SCSL-04-16-251, CONFIDENTIAL PROSECUTION FILING OF EXPERT REPORT PURSUANT TO RULE 94(BIS) (attachment No. 1 )

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cc <gibsonn@SCSL>, <walker3@un.org>, <edmondsm@un.org>, <massaquoi@un.org>

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8704



<SCSLCourtManagement@scsl>

05/06/2005 04:10 PM

To <okuizumi@scsl>, <maguirek@scsl>, <capellino@scsl>, <kirkwoodr@scsl>, <vincentr@scsl>, <kiondo@scsl>, <reiger@scsl>, <welsch@scsl>, <jtkamara@scsl>, <thompson4@scsl>, <itoe@scsl>, <boutet@scsl>, <crippa@scsl>, <reuss@scsl>, <kargbo@scsl>, <salibekova@scsl>, <aitchison@scsl>, <meisenberg@scsl>, <rogbaneh@yahoo.com>, <saretaa@2gardenct.law.co.uk>, <defence-sesay@scsl>, <w.jordash@doughtystreet.co.uk>, <scsl\_irura@yahoo.com>, <defence-kallon@scsl>, <mnicolwilson@yahoo.co.uk>, <scsl\_irura@yahoo.com>, <shekoutouray@hotmail.com>, <a\_goshea@yahoo.co.uk>, <benholden2003@yahoo.co.uk>, <girishthanki@tntlaw.co.uk>, <j.cammegh@btinternet.com>, <defence-gbao@scsl>, <nahamya@scsl>, <scsl-defence@scsl>, <monasebian@scsl>, <pyne-caulker@scsl>, <cooperm@scsl>, <scsl-records@scsl>, <thompson9@scsl>, <inyang@scsl>, <dolphinl@scsl>, <gibsonn@scsl>, <kerekes@un.org>, <suciu@scsl>, <anim@scsl>, <crane1@scsl>, <desilva2@scsl>, <stevensg@scsl>, <johnson30@scsl>, <taylor11@scsl>, <cotel@scsl>, <dimitrova@scsl>, <wallbridge@scsl>, <coopera@scsl>, <scsl-pressoffice@scsl>, <vahidy@scsl>

cc <gibsonn@SCSL>, <walker3@un.org>, <edmondsm@un.org>, <massaquoi@un.org>

bcc

Subject Document Number: SCSL-04-15-371, FILING OF EXPERT REPORT PURSUANT TO THE ORDER ON URGENT PROSECUTION APPLICATION FOR EXTENSION OF TIME DATED 02 MAY 2005 (attachment No. 2)

Please find attached: FILING OF EXPERT REPORT PURSUANT TO THE ORDER ON URGENT PROSECUTION APPLICATION FOR EXTENSION OF TIME DATED 02 MAY 2005, filed on the 06/05/2005 at 15:00, Document Number: SCSL-04-15-371.

If you have any questions regarding service of this document please contact Mr. Neil Gibson (gibsonn@un.org), Mr. Geoff Walker (walker3@un.org), Mrs. Maureen Edmonds (edmondsm@un.org) or Mr. Joseph Massaquoi (massaquoi@un.org).

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05/11/2005 01:41 PM

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cc <gibsonn@SCSL>, <walker3@un.org>, <edmondsm@un.org>, <massaquoi@un.org>

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Subject Document Number: SCSL-04-16-259, DECISION ON THE URGENT AAND CONFIDENTIAL APPLICATION TO VARY PROTECTIVE MEASURES REGARDING WITNESSES TF1-104 AND TF1-081 (attachment No. 1 )

Please find attached: DECISION ON THE URGENT AAND CONFIDENTIAL APPLICATION TO VARY PROTECTIVE MEASURES REGARDING WITNESSES TF1-104 AND TF1-081, filed on the 11/05/2005 at 13:10, Document Number: SCSL-04-16-259.

If you have any questions regarding service of this document please contact Mr. Neil Gibson (gibsonn@un.org), Mr. Geoff Walker (walker3@un.org), Mrs. Maureen Edmonds (edmondsm@un.org) or Mr. Joseph Massaquoi (massaquoi@un.org).

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