

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

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

Registrar: Robin Vincent

Date: 27 June 2005

THE PROSECUTOR

Against

**ALEX TAMBA BRIMA
BRIMA BAZZY KAMARA
And
SANTIGIE BORBOR KANU**

**WRITTEN REPRESENTATION FROM THE REGISTRAR TO DEFENCE
SUBMISSION PROVIDING EVIDENTIARY PROOF OF REGISTRY'S
REPEATED DISSEMINATION OF CONFIDENTIAL
DEFENCE/PROSECUTION TRIAL CHAMBER DOCUMENTS TO PRESS AND
PUBLIC AFFAIRS**

1st Respondent:
The Registrar

Defence Counsel for Brima
Glenna Thompson
Kojo Graham

2nd Respondent:
The acting Principal Defender

Defence Counsel for Kamara:
Mohamed P. Fofanah

SPECIAL COURT FOR SIERRA LEONE
RECEIVED
COURT MANAGEMENT
27 JUN 2005
NAME: Geoff Williams
SIGN: [Signature]
TIME: 11:29

**WRITTEN REPRESENTATION FROM THE REGISTRAR MADE BY ORDER
OF THE PRESIDING JUDGE OF THE TRIAL CHAMBER OF 21 JUNE 2005.**

1. The Defence Teams in the AFRC trial have objected to the Registrar ordering that all confidential material should also be copied to the Head of the Press and Public Affairs Office. The Registrar has done this pursuant to his powers under Article 33(A) of the “Rules of Procedure and Evidence” of the Special Court for Sierra Leone.
2. Article 33(A) states;

“The Registrar shall assist the Chambers, the Plenary Meetings of the Special Court, the Council of Judges, the Judges and the Prosecutor, the Principal Defender and the Defence in the performance of their functions. Under the authority of the President, he shall be responsible for the administration and servicing of the Special Court and shall serve as its channel of communication.”

It is clear from that article that the Registrar is responsible for all the administrative decisions of the Court, subject to the supervision of the President, and that includes the decision to have confidential documents copied to the Press and Public Affairs Office.

3. These confidential documents are not only distributed to the parties to the proceedings but also to other Sections of the Court as is deemed necessary in the interests of efficient administration of the Court. For example, all documents are copied to Court Management for filing and processing and, where necessary, also copied to the Registrar’s Legal Adviser so that he can properly advise the Registrar on matters within the Trial Chambers; to Witness and Victim Support to

be able to protect witnesses and to Chambers support staff so they can properly advise the Judges of the Court, all of which assists in the efficient administration of the Court. In a similar way these documents are copied to the Head of Press and Public Affairs Office for reasons of efficient administration of the Court.

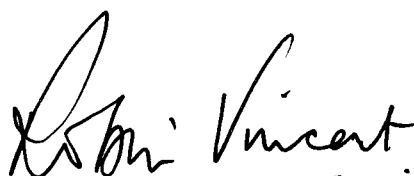
4. Unfortunately there has been a history of documents being “leaked” from the Court to the press in Sierra Leone. It is therefore appropriate that the Head of the Press and Public Affairs Office has knowledge of which court documents are confidential and which are not, not only to warn the Sierra Leone press of the status of any document if they are leaked, but also to understand what is in those documents and to be able to explain to the local press why they are confidential. In this way the Court is able to reduce the number of “leaked” documents, and the information contained in them, from being published.
5. It is also important for the Head of the Press and Public Affairs Office to have knowledge of any confidential documents to be able to immediately identify it if the document, or the information contained in it, has been published, and then to notify the Court and the Trial Chamber of that fact as soon as possible, thereby limiting any damage resulting from the disclosure.
6. The Press and Public Affairs Office, with its connections with the local press, may also be able to identify who has been responsible for disclosing a confidential document, but to do that the Office needs to know which documents, and the information contained in them, are confidential. No doubt the Defence teams would welcome the capability of the Press and Public Affairs Office to perform that crucial role.
7. The Press and Public Affairs Office is also responsible for publishing “Press Clippings” on a daily basis and the Office needs to identify which documents are confidential and the nature of the information contained in them in order to

- prevent inadvertently republishing such disclosed documents or, the information contained in them, that appear in the local press.
8. It also should be made very clear that the copying of the confidential documents is to the Head of the Press and Public Affairs Office only and not to anyone else.
 9. The Defence submission does not make any claim that the Head of the Press and Public Affairs Office has in anyway misused such documents. There is therefore no reason identified to suggest that the administrative decision of the Registrar to have such documents copied to the Head of the Press and Public Affairs Office is inappropriate.
 10. The Trial Chamber has no statutory power to alter the administrative decisions of the Registrar made pursuant to Article 33(A). However it may exercise a power over the Registrar' administrative decisions if it is satisfied that the decision affects the accuseds' right to a fair trial. The Trial Chamber has this authority by virtue of its inherent powers and the power under Section 17 of the Statute of the Special Court for Sierra Leone¹.
 11. There has been no submission made or evidence produced in the Defence submission to the effect that the administrative decision of the Registrar to have the Head of the Press and Public Affairs Office copied into confidential documents has in anyway affected the rights of a fair trial for the accused. In fact the decision of the Registrar to have the Head of the Press and Public Affairs Office copied into confidential documents is designed to protect the confidentiality of those documents and by implication protect the fair trial process.

¹ See also *Prosecutor v. Gatete*, ICTR-0061-T at paragraph 5 “Rule 33 of the Rules of Procedure and Evidence states that the Registrar shall be responsible for the administration and servicing of the Tribunal, and under the authority of the President. Rule 19 of the Rules provides that the President shall supervise the Registry activities. Although the Rules provide a framework whereby the Registry is responsible for administrative matters, subject to Presidential review, the Chambers have in some instances instructed the Registrar in such administrative matters, including matters related to the assignment of Counsel, where it involved fair trial issues.”

12. I would therefore submit that the Trial Chamber has no cause to alter the administrative decision of the Registrar to take the action concerned.

Filed at Freetown 27 June 2005.

A handwritten signature in black ink, appearing to read "Robin Vincent". The signature is written in a cursive style with a horizontal line underneath the name.

Registrar for the Special Court for Sierra Leone.