

066

1072

SCSL-2002-07-PT-066
(1072-1074)



SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

PHONE: +1 212 963 9915 Extension: 178 7000 or +39 0831 257000 or +232 22 295995

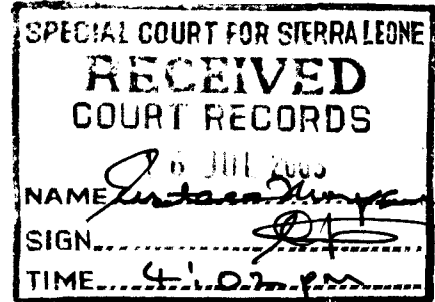
FAX: Extension: 178 7001 or +39 0831 257001 Extension: 174 6996 or +232 22 295996

THE TRIAL CHAMBER

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

Registrar: Robin Vincent

Date: 16th day of July 2003



The Prosecutor against

Morris Kallon
(Case No.SCSL-2002-07-PT)

**ORDER ON THE DEFENCE APPLICATION FOR RECONSIDERATION OF
AND/OR LEAVE TO APPEAL "DECISION ON THE PROSECUTOR'S MOTION
FOR PROTECTIVE MEASURES FOR WITNESSES AND VICTIMS AND FOR
NON-PUBLIC DISCLOSURE"**

Office of the Prosecutor:
Luc Côté, Chief of Prosecutions

Defence Counsel:
James Oury
Steven Powles

THE SPECIAL COURT FOR SIERRA LEONE (“the Special Court”)

SITTING as the Trial Chamber (“the Trial Chamber”), composed of Judge Bankole Thompson, Presiding Judge, Judge Pierre Boutet, and Judge Benjamin Mutanga Itoe;

CONSIDERING the Decision on the Prosecution’s Motions for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure of the 23rd day of May 2003 (“the Decision on Protective Measures”) and the Orders annexed thereto (“the Orders on Protective Measures”) rendered by Judge Bankole Thompson, designated pursuant to Rule 28 of the Rules of Procedure and Evidence (“the Rules”);

BEING SEIZED of the Defence Application for Reconsideration of and/or Leave to Appeal “Decision on the Prosecutor’s Motion for Protective Measures for Witnesses and Victims and for Non-Public Disclosure” of the 29th day of May 2003 (“the Application”), in which the Defence seeks to be granted an order for the variation of the Orders on Protective Measures and/or, in the alternative, an order for leave to appeal the Decision on Protective Measures;

CONSIDERING the Prosecution Response to the Defence Application of the 6th day of June 2003;

WHEREAS acting on the Trial Chamber’s instruction, the Court Management Section of the Special Court advised the parties on the 23rd day of June 2003 that the Application will be considered and determined on the written submissions of the parties **ONLY** pursuant to Rule 73 of the Rules;

CONSIDERING Rule 54 and 73 (B) of the Rules;

AFTER HAVING DELIBERATED

CONSIDERING that the Application was filed before the Trial Chamber;

CONSIDERING that in its Application the Defence addressed the then Designated Judge in order to seek reconsideration of his Decision on Protective Measures and consequently vary his Orders on Protective Measures;

CONSIDERING that in the same Application the Defence also addressed the Trial Chamber in order to request, in the alternative to its request for reconsideration, an order for leave to Appeal the same Decision on Protective Measures;


CONSIDERING that, from a procedural point of view, it is improper and confusing to address two different jurisdictions in one single application;

THE TRIAL CHAMBER FINDS that the Defence erroneously and improperly addressed its Application at two different jurisdictions, i.e. the Designated Judge that rendered the Decision on Protective Measures and the Trial Chamber;

FOR THESE REASONS THE SPECIAL COURT

HEREBY REJECTS the Defence Application as inadmissible.

Done at Freetown, Sierra Leone, this 16th day of July 2003


The Trial Chamber
Judge Pierre Boutet

