

THE SPECIAL COURT FOR SIERRA LEONE**BEFORE:**

**Judge Benjamin Itoe
Judge Bankole Thompson
Judge Pierre Boutet**

Registrar: Mr. Robin Vincent

Date filed: 5th November 2004

The Prosecutor

-v-

Issa Hassan Sesay

Case No: SCSL – 2003~~4~~ – 15 – T

**Defence Response to the Prosecution Application for
Protective Measures for Additional Witnesses further to
Trial Chamber's decision on Prosecution's intention to
extend Protective Measures for Additional Witnesses of
22nd October 2004**

Office of the Prosecutor

Luc Cote
Lesley Taylor
Boi – Tai Stevens
Lorenzo Pugliatti

Defence Counsel

Wayne Jordash
Serry Kamal
Sareta Ashraph

THE SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
FREETOWN, SIERRA LEONE

LEN DOLPHIN
L. Dolphin
9.36am

INTRODUCTION

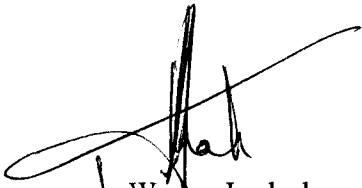
1. On the 2nd November 2004 the Prosecution filed their Application for Protective Measures for Additional Witnesses further to the Trial Chamber's "decision on Prosecution's intention to extend Protective Measures for Additional Witnesses" of 22nd October 2004 ("The application").
2. Herewith the defence files its response.

SUBMISSIONS

3. On the 5th July the Trial Chamber ruled inter alia that, "The location of the Special Court in the very country where the crimes were allegedly committed combined with the fragility of the security situation that still exists, is a paramount and compelling factor in considering the merits of this application"¹ Mindful of the Trial Chamber's consequential ruling² the Defence do not oppose the present application.
4. However it is not accepted (as asserted by the Prosecution in paragraph 15 of the application) that the risk identified by the Trial Chamber has in fact "accentuated given that UNAMSIL officially handed control of the Western Area over to the Sierra Leone Police on 23rd September 2004". Whilst the defence have no evidence to suggest that this would necessarily impact on the Trial Chamber's previous ruling the act of transference is equally (if not more so) suggestive of an increasingly secure situation which may in fact reduce the fears on the part of witnesses called to testify.

¹ Prosecutor v. Sesay, Kallon & Gbao, Case No. SCSC – 04 – 15 – T, Trial Chamber's Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 5th July 2004, para. 27 & see the Prosecution's application for the whole paragraph.

² Whilst preserving the right to mount specific challenges in the event that evidence is obtained by the defence which suggests a tangible change of the circumstances found by the Honourable Trial Chamber.



Wayne Jordash



Serry Kamal



Sareja Ashraph

Dated the 5th November 2004