

TRIAL CHAMBER II (“the Trial Chamber”) of the Special Court for Sierra Leone (“Special Court”), composed of Justice Teresa Doherty, presiding, Justice Richard Lussick and Justice Julia Sebutinde;

SEISED of the Confidential Joint Defence Request for Disclosure of The Independent Investigator’s Report on Contempt of Court Proceedings and Request for Stay of Proceedings filed on 4 April 2005 on behalf of the Accused Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu (“the Motion”)¹;

CONSIDERING the Prosecution Response to the Motion (“the Response”), filed on 14 April 2005²;

CONSIDERING also the Confidential Joint Defence Reply to the Response, filed on 19 April 2005 on behalf of the Accused Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu³;

NOTING the Report of the Independent Counsel Mr. Louis Tumwesige, submitted to the Trial Chamber on 16 March 2005 pursuant to the provisions of Rule 77 (C)(iii) of the Rules of Procedure and Evidence (“the Rules”);

NOTING further that under Rule 77 (C)(iii) of the Rules the Report of the Independent Counsel is intended to assist the Trial Chamber in its deliberations and that the Trial Chamber is under no obligation to disclose the contents of the said Report or its deliberations thereon;

CONSIDERING that the Trial Chamber in its Decision on The Report of The Independent Counsel Pursuant to Rules 77(C)(iii) and 77(D) of the Rules delivered and published on 29 April 2005⁴ did not institute contempt proceedings against any of the Accused persons Alex Tamba Brima, Brima Bazzy Kamara or Santigie Borbor Kanu;

NOTING the Order Assigning Cases To A Trial Chamber issued by the President of the Special Court on 2 May 2005⁵ in which Justice Emmanuel Ayoola assigned the conduct of the Contempt of Court Proceedings to Trial Chamber I or a single Judge thereof ;

NOTING that Counsel for the Accused Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu do not in their Request for Disclosure of the Report of The Independent Counsel claim to be acting on behalf of the alleged contemnors in the Contempt of Court Proceedings ;

CONSIDERING that the Defence for the Accused Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu has not demonstrated their *locus standi* in requesting for disclosure of the Report of The Independent Counsel nor have they persuasively argued how the non-disclosure by the Trial Chamber of the said Report is likely to prejudice the Defence case or the conduct of a fair trial in the case of the *Prosecutor v. Alex Tamba Brima et al.*;

¹ Document No. SCSL-2004-16-T-200

² Document No. SCSL-2004-16-T-220

³ Document No. SCSL-2004-16-T-226

⁴ *Prosecutor v. Alex Tamba Brima et al.*, Decision on the Report of the Independent Counsel Pursuant to Rules 77(C)(iii) and 77(D) of the Rules of Procedure and Evidence, 29 April 2005, Document No. SCSL-2004-16-T-237


⁵ *The Prosecutor v. Brima Samura*: Case No. SCSL-2005-1 and *the Prosecutor v. Margaret Fomba Brima, Neneh Binta Bah Jalloh, Anifa Kamara and Ester Kamara*: Case No. SCSL -2005-2, Order Assigning Cases To A Trial Chamber of 2 May 2005.


JAS.

CONSIDERING further that for the same reasons the Defence for the Accused Alex Tamba Brima, Brima Bazzy Kamara and Santigie Borbor Kanu has not persuasively argued how a stay of proceedings pending the disclosure of the Report of the Independent Counsel is an appropriate relief in the circumstances;

HEREBY dismisses the Confidential Joint Defence Request for Disclosure of The Independent Investigator's Report on Contempt of Court Proceedings and Request for Stay of Proceedings.

Done at Freetown, Sierra Leone, this 30th day of June 2005


Justice Richard Lussick


Justice Teresa Doherty
Presiding Judge


Justice Julia Sebutinde

[Seal of the Special Court for Sierra Leone]

