

NOTING that at the Pre-Trial Conference held on 28 April 2004, the Prosecution submitted that it was not at that time in a position to indicate to the Chamber which order its witnesses would be called at trial;

NOTING the “Materials filed Pursuant to Order to the Prosecution to File Disclosure Materials and Other Materials in Preparation for the commencement of Trial of 1 April 2004”, filed by the Prosecution on 26 May 2004, that provided a list of pseudonyms of each witness it intends to call at trial, together with a report indicating the number of witnesses for whom witness statements or summaries have been disclosed and the count or counts of the Indictment to which the witness will testify;

CONSIDERING that the Trial Chamber shall ensure that a trial is fair and expeditious and that the proceedings before the Special Court are conducted in accordance with the Rules of Procedure and Evidence of the Special Court (“Rules”), with full respect for the rights of the accused and due regard for the protection of victims and witnesses;

CONSIDERING Article 17 of the Statute of the Special Court for Sierra Leone (“Statute”), that provides *inter alia* that the Defence should have sufficient notice and adequate time to prepare for trial;

CONSIDERING that it is in the interests of justice for the Prosecution to disclose to the Defence the order of witnesses it intends to call, with sufficient time available for case preparation and investigation;

CONSIDERING that the Trial Chamber would benefit from having access to witness statements in advance of each witness testifying at trial, for the purpose of promoting comprehension of the issues and for the effective management of the trial;

CONSIDERING that it is an accepted practice within international criminal tribunals to request the filing of witness statements prior to trial;[\[1\]](#)

PURSUANT TO Rules 54 and Rule 73 *bis* of the Rules;

HEREBY ORDERS the Prosecution:

For the first trial session that runs from 3 June to 22 June 2004:

(1) Concerning the first ten witnesses called to give testimony, to provide the Trial Chamber with a list of the order it intends to call witnesses by Tuesday, 1 June 2004, and for the remaining witnesses called in the first trial session, to provide each Defence Team and the Trial Chamber with a list of the order it intends to call witnesses to testify, 14 days in advance of their testimony;

(2) Concerning the first ten witnesses called to give testimony, to provide the Trial Chamber with a confidential copy of their unredacted witness statements by Tuesday, 1 June 2004, and for the remaining witnesses called in the first trial session, to provide the Trial Chamber with a confidential copy of their unredacted witness statements one week prior to their testimony.

Done at Freetown this 28th day of May 2004

Judge Bankole Thompson
Presiding Judge,
Trial Chamber

[Seal of the Special Court for Sierra Leone]

[1] *Prosecutor v. Jean-Paul Akayesu*, ICTR-96-4-T, Decision by the Tribunal on its Request to the Prosecutor to Submit the Written Witness Statements, 28 January 1997; *Prosecutor v. Darko Kordic and Mario Cerkez*, Case No. IT-95-14/2-PT, *Order for Disclosure of Documents and Extension of Protective Measures*, 27 November 1998; *Prosecutor v. Dokmanovic*, IT-95-13a-PT, Order, 28 November 1997, p.2; See *Prosecutor v. Vidoje Blagojevic, Dragan Jokic, Momir Nikolic*, Decision in the Appeals Chamber, 8 April 2003.
