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 Benjamin Mutanga Itoe, Presiding Judge
Judge Bankole Thompson
Judge Pierre Boutet

Registrar: Robin Vincent

Date: 7 July 2004

PROSECUTOR **Against** **Issa Hassan Sesay**
Morris Kallon
Augustine Gbao
(Case No.SCSL-04-15-T)

ORDER TO PROSECUTION TO PRODUCE WITNESS LIST AND WITNESS SUMMARIES

Office of the Prosecutor:
Luc Côté
Lesley Taylor

Defence Counsel for Issa Hassan Sesay:
Timothy Clayson
Wayne Jordash

Defence Counsel for Morris Kallon:
Shekou Touray
Melron Nicol-Wilson

Defence Counsel for Augustine Gbao:
Girish Thanki
Andreas O'Shea

THE TRIAL CHAMBER ("Trial Chamber") of the Special Court for Sierra Leone ("Special Court") composed of Judge Benjamin Mutanga Itoe, Presiding Judge, Judge Bankole Thompson, and Judge Pierre Boutet;

Downloaded from worldcourts.com. Use is subject to terms and conditions. See worldcourts.com/terms.htm

NOTING that on 1 April 2004, the Trial Chamber issued the "Order to the Prosecution to File Disclosure Materials and Other Materials in Preparation for the Commencement of Trial" and that this Order required the Prosecution to file a witness list for all the witnesses the Prosecution intends to call at trial with the name or the pseudonym of each witness;

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 April 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;

NOTING that the witness list contained in these Materials lists 266 witnesses;

NOTING that the Prosecution stated in its "Prosecution Chart Indicating Documentary and Testimonial Evidence by Paragraph of Consolidated Indictment Pursuant to Trial Chamber Order dated 1 April 2004" filed on 4 May 2004 that it intended to file the final witness list following a decision on the pending Motion for Judicial Notice and the Issuance of Notice of Hearing setting a trial date;

NOTING that in its "Updated Compliance Report Filed Pursuant to Undertaking by the Prosecution in PreTrial Conference held 29 April 2004 (RUF)" filed on 11 May 2004, the Prosecution asserted that six of the witnesses on its witness list filed on 26 April 2004 were erroneously included, thereby reducing the number of witnesses in its witness list to 260;

NOTING that at the Status Conference held on 23 June 2004, the Prosecution stated that the Prosecution was intending to call approximately 170 "core" witnesses at trial depending on the outcome of its "Motion for Judicial Notice and Admission of Evidence" filed on 2 April 2004;

NOTING that this Chamber issued its "Decision on Prosecution's Motion for Judicial Notice and Admission of Evidence" on 24 June 2004 and that the RUF trial commenced on 5 July 2004;

CONSIDERING the determination of the Trial Chamber to ensure that the 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 the provisions of Article 17(4)(b) of the Statute of the Special Court for Sierra Leone, that stipulate, i*nter alia*, that the Defence shall be entitled to have adequate time and facilities for the preparation of its defence;

CONSIDERING that it is in the interests of justice for the Prosecution to disclose to the Defence and the Court a modified witness list that identifies clearly which witnesses the

Downloaded from worldcourts.com. Use is subject to terms and conditions. See worldcourts.com/terms.htm

Prosecution has identified as its "core" witnesses and which witnesses are meant to be used only as "back-up" witnesses if some of the "core" witnesses are not available to testify;

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:

(1) To produce a list of the "core" witnesses that the Prosecution is intending to call to testify at trial;
(2) To produce a list of the "back-up" witnesses that the Prosecution intends to call only if it is later deemed necessary at trial;
(3) To produce a copy of all witness statements to the Trial Chamber one week prior to the witness' testimony.

Done at Freetown this 7th day of July 2004

Judge Pierre Boutet | Judge Benjamin Mutanga Itoe, Presiding Judge, Trial Chamber | Judge Bankole Thompson

[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.

Downloaded from worldcourts.com. Use is subject to terms and conditions. See worldcourts.com/terms.htm