

NOW RENDERS THE FOLLOWING RULING:

1. At the hearing of the 7th of July, 2004, Learned Counsel for the 3rd Accused, Mr. Andrea O'Shea, applied to this Court to order the Prosecution to respect its disclosure obligations pursuant to Rule 66 of the Rules of Procedure and Evidence ("Rules").
2. This application was made principally in respect of Witness TF1/151 whose evidence, Learned Counsel contends, is very material and runs through about 764 pages of statements, and subsidiarily, in respect of Witnesses TF1/074, TF1/060, TF1/217, TF1/077, TF1/199, and TF1/253.
3. It is made on the basis of the fact that these witnesses are listed to testify and that their full statements were supposed to have been disclosed to the Defence by the Prosecution at least 42 days before they appear to testify.
4. Given the fact that these witnesses have not yet been called upon to testify and that all of them might not even testify during the current session, the Chamber is of the opinion that the application by Learned Counsel for the Defence, is premature. However, this issue could be raised and entertained at an appropriate time.
5. In so holding, the Chamber, in the meantime, calls on both the Prosecution and the Defence to continue to live up to, and to respect their obligations under Rules 66 and 68 of the Rules and other Statutory and Regulatory instruments that govern the due process in the Special Court.

Done at Freetown this 9th day of July 2004

Judge Pierre Boutet

Judge Benjamin Mutanga Itoe Judge Bankole Thompson
Presiding Judge,
Trial Chamber

[Seal of the Special Court]