SPECIAL COURT FOR SIERRA LEONE
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THE TRIAL CHAMBER

Before: Hon. Judge Benjamin Mutanga Itoe, Presiding Judge
Hon. Judge Bankole Thompson
Hon. Judge Pierre Boutet

Registrar: Robin Vincent

Date: 27 July 2004

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

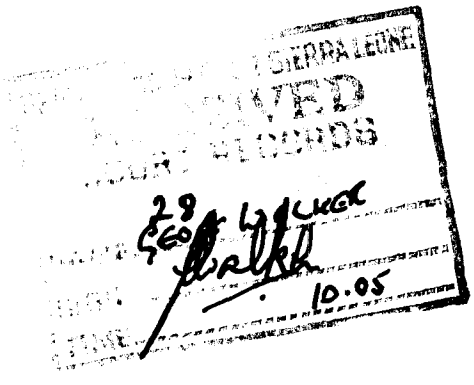
RULING ON THE ORAL APPLICATION FOR THE POSTPONEMENT OF THE TESTIMONY OF WITNESS TF1-060

Office of the Prosecutor:
Luc Coté
Lesley Taylor

Defence Counsel for Issa Hassan Sesay:
Tim Clayson
Wayne Jordash

Defence Counsel for Morris Kallon:
Shekou Touray
Raymond Brown

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



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

SEIZED of an oral Application by the Defence Counsel for Issa Hassan Sesay during the trial proceedings on 27 July 2004 for the postponement of the testimony of Witness TF1-060 on the grounds of additional disclosure of new evidence in the form of additional written statement;

NOTING the Prosecution Response to the Application made orally in the course of the same hearing;

NOTING the Ruling on Oral Application for the Exclusion "Additional" Statement for Witness TF1-060 of 23 July 2004;

CONSIDERING Rules 66 and 67 of the Rules of Procedure and Evidence and Article 17 of the Statute of the Special Court;

AFTER DELIBERATION

HEREBY ISSUES THE FOLLOWING RULING:

1. Having considered the Application as made by Counsel for the First Accused, Issa Hassan Sesay, and noting the particular circumstances outlined by Mr. Jordash, the Chamber **GRANTS** the Application for the postponement of the evidence of Witness TF1-060 that the Prosecution intended to call as its next witness.

2. It should be observed, however, that by granting this application this Chamber is not now opening a new avenue for application of such nature in the future. The Court is still deeply concerned about delays and will do its utmost to try to limit any applications that will have as a consequence delays in the proceedings.

3. Applications of this nature will be dealt with on a case by case basis and will have to be duly substantiated. With regard to this particular application, the Chamber is of the view that it would be best to proceed with the complete

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testimony of this witness when he is called rather than breaking the cross-examination and allow then a postponement of that part of the witness' cross-examination related to his most recent written statement.

4. Although the bulk of the evidence of this witness has been disclosed more that 42 days before he is to testify,[1] the most recent written statement has only been obtained and disclosed to the Defence on 16 July 2004.[2]

5. Furthermore, it would appear that this written statement would for the first time directly implicate the First Accused and consequently the Defence is asking for additional time to investigate this matter further. They have stated that their investigators cannot be contacted at this time and therefore are not able to pursue that part of the investigation prior to proceeding with the cross-examination of Witness TF1-060

RULING

6. Accordingly, the application for the extension of time for the testimony of Witness TF1-060 is **GRANTED** and the testimony of the said witness is accordingly postponed to the next session of the Trial that will run from 4 October 2004 to 29 October 2004 inclusive.[3]

Done at Freetown this 27th day of July 2004

Hon. Judge Pierre Boutet | Hon. Judge Benjamin Mutanga Itoe | Hon. Judge Bankole Thompson

Presiding Judge, Trial Chamber

[Seal of the Special Court]

[1] Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 5 July 2004.
[2] Copy of Witness Statements Produced Pursuant to Order to Prosecution to Produce Witness List and Witness Summaries", 19 July 2004.
[3] Order Detailing Judicial Calendar for the Upcoming Trial Sessions, 26 May 2004.

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