

SPECIAL COURT FOR SIERRA LEONE
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TRIAL CHAMBER II

Before: Judge Teresa Doherty, Presiding Judge
Judge Richard Lussick
Judge Julia Sebutinde

Registrar: Robin Vincent

Date: 9 February 2005

PROSECUTOR

Against

Alex Tamba Brima
Brima Bazy Kamara
Santigie Borbor Kanu
(Case No.SCSL-04-16-PT)

**ORDER TO PROSECUTION TO PROVIDE ORDER OF WITNESSES
AND WITNESS STATEMENTS**

Office of the Prosecutor:

Luc Côté
Lesley Taylor
Boi-Tia Stevens
Marc Wallbridge

Defence Counsel for Alex Tamba Brima:

Kevin Metzger
Glenna Thompson
Kojo Graham

Defence Counsel for Brima Bazy

Kamara:

Wilbert Harris
Mohamed Pa-Momo Fofanah

Defence Counsel for Santigie Borbor

Kanu:

Geert-Jan Alexander Knoops
Cary J. Knoops
Abibola E. Manley-Spaine

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

NOTING the Order of the Trial Chamber for the Commencement of Trial of 20 January 2005;

NOTING the Oral Decision on Prosecution's Motion for Renewed Protective Measures Pursuant to Order to the Prosecution for Renewed Motion for Protective Measures Dated 2 April 2004, dated 3 February 2005;

NOTING the forthcoming Status Conference on 1 March 2005;

CONSIDERING that the Trial Chamber pursuant to Article 17 of the Statute of the Special Court ("the Statute") and Rule 26*bis* of the Rules of Procedure and Evidence ("the Rules") shall ensure that the trials are conducted in a fair and expeditious way with full respect for the rights of the Accused and due regard for the protection of victims and witnesses;

CONSIDERING that it is in the interest of justice to disclose to the Defence and the Trial Chamber the continuous order of witnesses the Prosecutor intends to call, with sufficient time available for the 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 this is an accepted practice within the Special Court^[1] and international criminal tribunals^[2];

PURSUANT to Rule 54 of the Rules;

HEREBY ORDERS the Prosecution for all trial sessions in this case:

(1) To provide the Defence and the Trial Chamber with a list of the next 10 witnesses to be called at trial and a copy of all their witness statements, and to file these 14 days prior to the testimony of the first witness of each group;

(2) To ensure that the list identifies the following information:

- (a) the order in which the Prosecution intends to call the witnesses;
- (b) the pseudonym or his/ her name if the witness is not protected;
- (c) the category of protective measures to be applied for the testimony of each of these witnesses;
- (d) the language spoken by the witness;
- (e) the date of her/ his witness statements;
- (f) the number of pages of the witness statements;
- (g) the estimated length of time required for each witness; and
- (h) which count the witness is going to testify on;

FURTHER ORDERS the Prosecution to file a revised list, divided into "core " and "back-up" witnesses, of all the witnesses it is intending to call to testify at trial by Monday, 21 February 2005.

Done at Freetown this 9th day of February 2005

Judge Teresa Doherty
Presiding Judge
Trial Chamber

[Seal of the Special Court for Sierra Leone]

[1] *Prosecutor v. Sam Hinga Norman et al.*, SCSL-04-14-PT, Order to Prosecution to Provide Order of Witnesses and Witness Statements, 28 May 2004; *Prosecutor v. Issa Hassan Sesay et al.*, SCSL-04-15-T, Order to Prosecution to Produce Witness List and Witness Summaries, 7 July 2004.

[2] *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; See *Prosecutor v. Vidoje Blagojevic, Dragan Jokic, Momir Nikolic*, Decision in the Appeals Chamber, 8 April 2003.
