SPECIAL COURT FOR SIERRA LEONE
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TRIAL CHAMBER I

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

Registrar: Robin Vincent

Date: 9th of March 2005

PROSECUTOR **Against** **ISSA HASSAN SESAY**
MORRIS KALLON
AUGUSTINE GBAO
(Case No. SCSL-04-15-T)

ORDER FOR COMPLIANCE OF PROSECUTION WITH RULE 94 *BIS*

Office of the Prosecutor:
Luc Côté
Lesley Taylor
Peter Harrison

Defence Counsel for Issa Hassan Sesay:
Wayne Jordash
Sareta Ashraph

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

Defence Counsel for Augustine Gbao
Andreas O'Shea
John Cammegh

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

NOTING the list of Prosecution Expert Witnesses contained in Annex B of the *Renewed Prosecution Motion for Protective Measures Pursuant to Order to the Prosecution for Renewed Motion for Protective Measures Dated 2 April 2004* filed on the 4th of May 2004 in which the

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Prosecution identified 7 expert witnesses, namely TF1-150, TF1-272, T1-296, TF1-301, TF1-332, TF1-348 and TF1-351;

NOTING the Prosecution's *Further Renewed Witness List Pursuant to Order to the Prosecution Concerning Renewed Witness List*, filed on the 9th of February 2005 in which the list of Core Witnesses contained in Annex 1 includes four expert witnesses, namely TF1-296, TF1-301, TF1-150 and TF1-272 and in which the list of Back-up Witnesses contained in Annex 2 of the Further Renewed Witness List includes two expert witnesses, namely TF1-332 and TF1-351;

NOTING ALSO that the Prosecution informs the Chamber in its Further Renewed Witness List that Witness TF1-348 has been deleted from the Prosecution witness list;

CONFIRMING that the Prosecution affirmed at the Status Conference held on the 10th of January 2005 that it had disclosed to the Defence the identities of all of the expert witnesses but for one expert for whom permission was being sought from his or her employer;

CONFIRMING that the Prosecution also admitted at the Status Conference that it had not yet disclosed any expert reports to the Defence as they were not yet completed;
NOTING that Rule 94 *bis* of the Rules of Procedure and Evidence of the Special Court ("Rules"), provides for the disclosure of the full statement of an expert witness and states:

(A) Notwithstanding the provisions of Rule 66(A), Rule 73 *bis* (B)(iv)(b) and Rule 73 *ter* (B)(iii)(b) of the present Rules, the full statement of any expert witness called by a party shall be disclosed to the opposing party as early as possible and shall be filed with the Trial Chamber not less than twenty-one days prior to the date on which the expert is expected to testify.

(B) Within fourteen days of filing of the statement of the expert witness, the opposing party shall file a notice to the Trial Chamber indicating whether:

(i) It accepts the expert witness statement; or

(ii) It wishes to cross-examine the expert witness.

(C) If the opposing party accepts the statement of the expert witness, the statement may be admitted into evidence by the Trial Chamber without calling the witness to testify in person.

CONSIDERING that it is in the interests of justice and in accordance with Article 17(4)(b) of the Statute of the Special Court for Sierra Leone that the Defence be provided with adequate time to prepare their defence with regard to the Prosecution's expert witnesses;
CONSIDERING FURTHER that the Prosecution should provide the Trial Chamber and the Defence with the *curriculum vitae* of the expert witnesses which include their credentials that qualify them as experts, their specific field(s) of expertise and the purpose of their reports, for the Defence to make a an informed response and for the Trial Chamber to consider the admissibility of the expert reports;

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FOR ALL THE ABOVE-STATED REASONS,

The Trial Chamber orders the Prosecution to disclose to the Defence any expert reports it will seek to rely on at trial before 5:00 p.m. on the **4th of May 2005**.

Done in Freetown, Sierra Leone, this 9th day of March, 2005

Hon. Justice Pierre Boutet	Hon. Justice Benjamin Mutanga Itoe Presiding Judge, Trial Chamber I	Hon. Justice Bankole Thompson

[Seal of the Special Court for Sierra Leone]

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