

Renewed Witness List Pursuant to Order to the Prosecution Concerning Renewed Witness List, of the 6th of April 2005;

NOTING the Trial Chamber's *Order to the Prosecution to File Disclosure Materials and Other Materials in Preparation for the Commencement of Trial* of the 1st of April 2004, wherein the Trial Chamber ordered, *inter alia*, the Prosecution to file:

1. A witness list for all the witnesses the Prosecution intends to call at trial with the name or the pseudonym of each witness;
2. A compliance report indicating: the number of witnesses for whom witness statements or summaries have been disclosed; the date upon which each statement or summary was disclosed; and the total number of pages of each statement or summary;
3. A summary for each witness on the witness list specified in (1), indicating the exact paragraph and/or count in the Indictment to which the witness will testify, as well as an estimated length of time required for each witness;
4. A chart which indicates, for each paragraph in the Indictment, the testimonial evidence and primary documentary evidence upon which the Prosecution will rely to establish the allegations contained therein.

NOTING that the Prosecution filed a witness list on the 26th of April 2004 ("Witness List") containing a total of 266 witnesses;[\[1\]](#)

NOTING the Amended Consolidated Indictment filed on the 13th of May 2004;

NOTING the *Order to Prosecution to Produce Witness List and Witness Summaries*, of the 7th of July 2004 that required the Prosecution, in order to facilitate the work of the Defence and the Court, to specify from its Witness List a list of "core" witnesses and a list of "back-up" witnesses;

NOTING that the Prosecution filed a modified witness list on the 12th of July 2004 ("Modified Witness List") containing a total of 173 "core" witnesses;[\[2\]](#)

NOTING the *Decision on Prosecution Request for Leave to Call Additional Witnesses*, of the 29th of July 2004, granting the Prosecution request to add 6 witnesses to its Modified Witness List,

NOTING the Prosecution Renewed Witness List filed on the 23rd of November 2004 and the Corrigendum thereto, filed on the 25th November, 2004 ("Renewed Witness List") containing a total of 102 "core" witnesses and the Trial Chamber consequential *Order to Prosecution Concerning Renewed Witness List* of the 3rd of December 2004;

NOTING the *Decision on Prosecution Request for Leave to Call Additional Witnesses and Disclose Additional Witness Statements*, of the 11th of February 2005, granting the Prosecution request to add 3 witnesses to its Renewed Witness List;

RECOGNIZING the Prosecution's continuous efforts in reducing the total number of its witnesses;

REITERATING that Article 17(4) ("Rights of the Accused") of the Statute prescribes certain minimum guarantees that must be afforded to each accused, including the right to be informed promptly and in detail of the nature and cause of the charge against him or her; the right to have adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing; the right to be tried without undue delay; the right to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him; and the right not to be compelled to testify against himself or to confess guilt;

REITERATING the fundamental right of each Accused to a fair and expeditious trial;

REITERATING that the right of the Accused to be tried promptly must be interpreted in light of the right of the Accused to have adequate time and facilities to prepare his defence;

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;

FINDING that the rights of the Accused in this case would be enhanced by requiring the Prosecution to update the materials already provided to the Defence and to the Trial Chamber in line with its Further Renewed Witness List, the *Decision on Prosecution Request for Leave to Call Additional Witnesses and Disclose Additional Witness Statements* of the 11th of February 2005 and the *Decision Regarding the Prosecution's Further Renewed Witness List Pursuant to Order to the Prosecution Concerning Renewed Witness List* of the 6th of April 2005;

PURSUANT to the provisions of Article 17 of the Statute of the Special Court ("Statute") and Rules 26bis, 54, 66(A)(ii), 67, 68, 69, and 75 of the Rules of Procedure and Evidence ("Rules");

HEREBY ORDERS the Prosecution, for both its current "core" and "back-up" witness list, to file by no later than Thursday, the 5th of May 2005 the following:

1. An Updated Witness List with the name or the pseudonym of each witness, the relevant category for protective measures, the summary of the witness testimony, the indication of the exact paragraph and/or count in the Amended Consolidated Indictment of the witness testimony for which the witness is being called, as well as, if applicable, an estimated length of time required for the examination-in-chief of each witness;
2. An Updated Compliance Report indicating the date of each witness statement, the date upon which each statement was disclosed to each of the accused and the total number of pages of each statement;
3. An Updated Proofing Chart which indicates, for each paragraph in the Amended Consolidated Indictment, the testimonial evidence upon which the Prosecution will rely to establish the allegations contained therein.

Done at Freetown this 13th day of April 2005

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

[Seal of the Special Court for Sierra Leone]

[\[1\]](#) See Materials Filed Pursuant to Order to the Prosecution to File Disclosure Materials and Other Materials in Preparation for the Commencement of Trial of the 1st of April, 2004, 26 April 2004. See also Updated Compliance Report Pursuant to Undertaking of the Prosecution in Pre-Trial Conference held 29 April 2004, 11 May 2004, wherein the Prosecution reduced the Witness List to 260 witnesses.

[\[2\]](#) See Materials Filed Pursuant to ‘Order to Prosecution to Produce Witness List and Witness Summaries’, 12 July 2004.