

**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:** Herman von Hebel

**Date:** 22nd of May, 2008

**PROSECUTOR** **Against** **Issa Hassan Sesay**  
**Morris Kallon**  
**Augustine Gbao**  
(Case No. SCSL--2004-15-T)

**Public Document**

**ORDER ON GBAO AND SESAY URGENT APPLICATION FOR EXTENSION OF  
TIME TO FILE EXPERT REPORT**

**Office of the Prosecutor:**

Peter Harrison  
Reginald Flynn  
Charles Hardaway  
Vincent Wagona

**Defence Counsel for Issa Hassan Sesay:**

Wayne Jordash  
Sareta Ashraph

**Defence Counsel for Morris Kallon:**

Charles Taku  
Kennedy Ogeto  
Tanoo Mylvaganam

**Defence Counsel for Augustine Gbao:**

John Cammegh  
Scott Martin

**TRIAL CHAMBER I** (“Trial Chamber”) 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;

**HAVING RECEIVED** the *Urgent Application for an Extension of Time to File Expert Report*, filed publicly and jointly by the Defence for the Third Accused, Augustine Gbao, and the First Accused, Issa Hassan Sesay (“Defence”) on the 20th of May 2008 (“Motion”);

**MINDFUL** of the Chamber’s *Order for Expedited Filing* on the 19th of May 2008 (“First Decision”) in which the Chamber ordered that the Defence shall disclose to the Prosecution and the other Parties its expert report not later than 4.00pm Tuesday the 20th of May 2008;

**MINDFUL** of the Chamber’s *Order for Expedited Filing* on the 20th of May 2008 (“Second Decision”), pursuant to which the Prosecution was to file its response, if any, by 4:00 p.m. on the 21st of May 2008 and the Defence were to file their reply, if any, no later than 4:00 p.m. on the 22nd of May 2008;

**NOTING** that the Prosecution *Response to Gbao and Sasay Urgent Application for Extension of Time to File Expert Report*, (“Response”) filed publicly on the 21st of May 2008, does not object to the grant of an extension of time for the filing of the expert report;

**NOTING** however, that in its Response, the Prosecution seeks disclosure of the first draft of the expert report received for review by the Defence on the 11th of April 2008;

**NOTING** that in its Reply, the Defence submits that the first draft of the expert report can be of no assistance to any party owing to its unedited and incomplete content;

**CONSIDERING** that Rule 94*bis* (A) prescribes the disclosure of the full statement of the expert witness to the opposing parties as early as possible;

**CONSIDERING** that Rule 94*bis* (A) further provides that the full statement of the expert witness be filed no later than 21 days prior to the date scheduled for the testimony of the expert witness;

**CONSIDERING** that Rule 94*bis* (B) requires that the opposing party file a notice within 14 days of the filing of the statement of the expert witness, indicating whether it accepts the statement or it wishes to cross-examine the expert witness;

**CONSIDERING** that Article 17(4)(c) of the Statute of the Special Court provides that the Accused shall be entitled “to be tried without undue delay”;

**CONSIDERING** that a fair and expeditious consideration of the Motion requires the imposition of an expedited timetable for the filing of the final version of the Expert Report;

**PURSUANT TO** Rules *7bis*, 54 and *94bis* of the Rules of Procedure and Evidence of the Special Court;

**HEREBY ORDERS** as follows:

1. The Expert Report shall be disclosed to the Prosecution and all other parties no later than 4:00 p.m. on Friday, the 23rd of May 2008;
2. The final version of the Expert Report shall be filed no later than 4:00 p.m. on Monday, the 26th of May 2008;
3. The Prosecution shall file its notice indicating whether it accepts the expert report or wishes to cross-examine the expert witness not later than 4:00 p.m. on Monday, the 9th of June 2008.

Done in Freetown this 22nd day of May, 2008

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]