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SCSL-04-14-T  
(19154 - 19156)

19154

**SPECIAL COURT FOR SIERRA LEONE**  
OFFICE OF THE PROSECUTOR  
Freetown – Sierra Leone

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

Interim Registrar: Mr. Lovemore G. Munlo SC

Date filed: 1 September 2006

**THE PROSECUTOR**

**Against**

**Samuel Hinga Norman**  
**Moinina Fofana**  
**Allieu Kondewa**

Case No. SCSL-04-14-T

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**Public**

**PROSECUTION RESPONSE TO KONDEWA APPLICATION FOR LEAVE TO  
CALL ADDITIONAL WITNESSES**

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**Office of the Prosecutor**

Mr. James C. Johnson  
Mr. Joseph F. Kamara

**Defense Counsel for Norman**

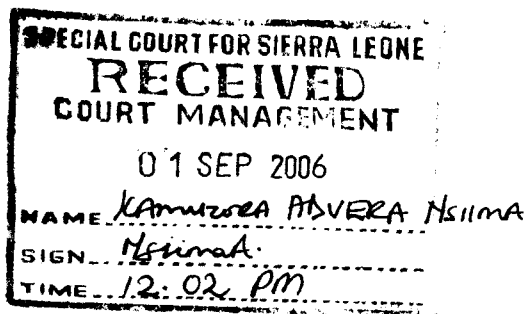
Dr. Bu-Buakei Jabbi  
Mr. John Wesley Hall, Jr.  
Mr. Alusine Sani Sesay

**Defense Counsel for Fofana**

Mr. Michiel Pestman  
Mr. Arrow J. Bockarie  
Mr. Victor Koppe

**Defense Counsel for Kondewa**

Mr. Charles Margai  
Mr. Yada Williams  
Mr. Ansu Lansana



## I. Introduction

1. The Prosecution files this Response to the motion entitled “Kondewa Application for Leave to Call Additional Witnesses”, filed on 29 August 2006 (“**Motion**”).<sup>1</sup>
2. In the Motion, the Defence for Kondewa (“**Defence**”) seeks leave to call an additional seven factual witnesses and announces that, should the motion be granted and the seven witnesses admitted, it intends to remove 15 witnesses from its list filed on 8 May 2006.

## II. Argument

3. The Prosecution does not oppose the Motion with regard to the five additional witnesses, namely, Karim Musa, Baimba Jobai, Steven Edmond Boima, Yeama Lewis and Sampha Carpenter.<sup>2</sup> However, the Motion fails to meet the ‘Good Cause’ threshold in the case of proposed witnesses Joe Kpana Lewis and Momoh Bockarie Moiwa.
4. On the 20 July 2006, Trial Chamber I ordered the Defence to remove Momoh Bockarie Moiwa and Joe Kpana Lewis from the list as they had been included without leave of the Trial Chamber or, alternatively, to seek leave of the Trial Chamber to add them to the witness list.<sup>3</sup>
5. In the Motion, the Defence now seeks to reinstate witnesses Joe Kpana Lewis and Momoh Bockarie Moiwa without any reason that amounts to a showing of good cause, other than the fact that the names were inadvertently added to a previous witness list of the 8 May 2006. The identity of these witnesses and their evidence have been known to the Defence since May 2006, and due diligence requires that a proper application should have been sought for additional witness as at that time.

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<sup>1</sup> *Prosecution v Norman, Fofana, Kondewa*, SCSL-4-14-T-681, “Kondewa Application for Leave to Call Additional Witnesses”, 29 August 2006.

<sup>2</sup> Appendix B of Motion-29 August 2006

<sup>3</sup> SCSL-2004-14-T-673, 20 July 2006.

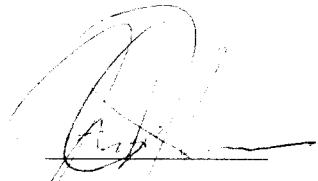
6. According to the Motion, the other five new witnesses, Karim Musa, Baimba Jobai, Steven Edmond Boima, Yeama Lewis and Sampha Carpenter, were uncovered in August 2006 as the result of on-going investigations. This may be relevant to a showing of good cause. In all of the circumstances, and in view of the fact that the Motion requests a net reduction in the total number of Defence witnesses called, the Prosecution does not object to the addition of these five recently discovered witnesses.

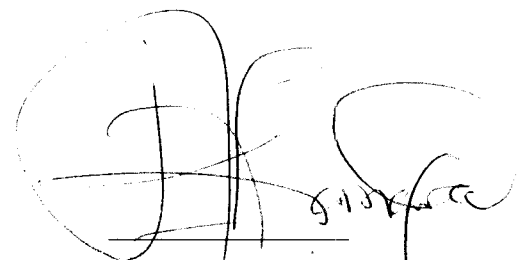
IV. Conclusion

7. The Defence has failed to establish good cause for the two witnesses Joe Kpana Lewis and Momoh Bockarie Moiwa it wishes to add to the list, therefore, the Motion should be dismissed in that respect. However, the Prosecution does not oppose the remaining five witnesses listed in the current Motion.

Filed in Freetown,  
1 September 2006

For the Prosecution

  
James C. Johnson  
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Senior Trial Attorney