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SCSL-2003-05-PT-037-1^P
(855-857)

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SPECIAL COURT FOR SIERRA LEONE

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Before: Judge Bankole Thompson

Registry: Mr. Robin Vincent

Order of: 21st May 2003

THE PROSECUTOR

v.

ISSA HASSAN SESAY

CASE NO. SCSL-2003-05-PT

ORDER

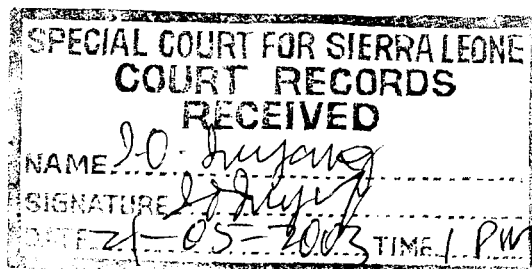
**ON DEFENCE OBJECTION FILED AS REPLY EVIDENCE IN THE
PROSECUTION MOTION FOR IMMEDIATE PROTECTIVE MEASURES FOR
WITNESSES AND VICTIMS AND FOR NON-PUBLIC DISCLOSURE**

The Office of the Prosecutor:

Mr. Luc Côté, Chief of Prosecutions
Mrs. Brenda Hollis

The Counsel for the Accused:

Mr. William Hartzog



THE SPECIAL COURT FOR SIERRA LEONE (the Special Court),

SITTING AS Judge Bankole Thompson, designated by the President of the Special Court according to Rule 28 of the Rules of Procedure and Evidence (“the Rules”);

CONSIDERING the Prosecution Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure filed on the 7th April 2003 and the relevant Response of the Defence and the Reply of the Prosecutor thereto;

HAVING NOW BEEN SEIZED with the Defence Objection to Evidence Filed as Reply Evidence in the Prosecution Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure on the 7th May 2003 (“the Objection”);

HAVING RECEIVED the Prosecutor’s Request for Leave to File Response to Defence Objection to Evidence Filed as Reply Evidence in the Prosecution Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure (the “Prosecution’s Request”) on 12th May 2003;

CONSIDERING that the Defence in its Objection avers, *inter alia*, that new evidence has been submitted in the Reply and that the Defence was therefore deprived of the opportunity to address evidence forming part of a moving party’s case;

CONSIDERING that the Defence therefore prays that either such evidence, in particular the Declaration of Allan Quee, dated 25th April 2003, the Declaration of Saleem Vahidy, dated 28th April 2003, the letter of President Kabbah to the President of the Security Counsel dated 14th March 2003 and the Declaration of Keith Biddle dated 29th April 2003 be ruled inadmissible and to proceed to a determination of the Prosecutions Motion on the basis of the admissible material submitted or in alternative to allow to file a response to the Prosecutor’s Reply and the new evidence presented;

CONSIDERING that the additional bases of the Prosecution’s Reply, in particular the declarations cited above, cannot be considered as fresh evidence, but may only be considered as evidence of a rebutting character, as the declarations only add and strengthen the line of argument in the Motion, and that the additional declarations do not initiate an entire new line of argumentation;

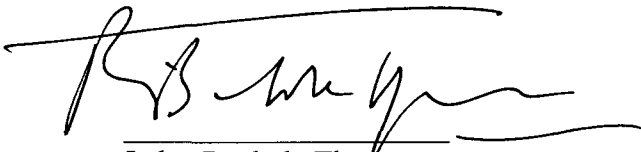
CONSIDERING that the Rules do not provide for a response to a reply;

NOW HEREBY, pursuant to Rule 54 of the Rules,



REJECTS the request of the Defence in its entirety.

Done in Freetown, Sierra Leone this 21st day of May, 2003



Judge Bankole Thompson
Designated Judge



Seal of the Special Court for Sierra Leone