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SCSL-2003-07-PT-071
(1101-1103)

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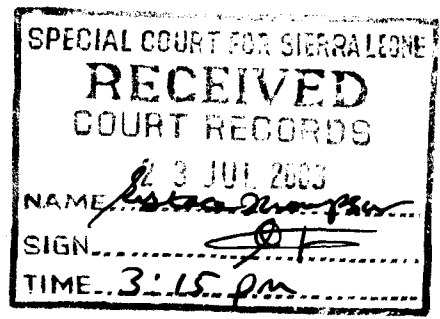
SPECIAL COURT FOR SIERRA LEONE
OFFICE OF THE PROSECUTOR
FREETOWN – SIERRA LEONE

IN THE TRIAL CHAMBER

Before: Judge Bankole Thompson
Judge Pierre Boutet
Judge Benjamin Mutanga Itoe

Registrar: Mr. Robin Vincent

Date filed: 23 July 2003



THE PROSECUTOR

Against

MORRIS KALLON

CASE NO. SCSL – 2003 – 07 – PT

**PROSECUTION RESPONSE TO DEFENCE REQUEST FOR
*SUBPOENA DUCES TECUM***

Office of the Prosecutor:

Desmond De Silva Q.C., Deputy Prosecutor
Walter Marcus-Jones, Senior Appellate Counsel
Abdul Tejan-Cole, Appellate Counsel

Defence Counsel:

Mr. James Oury
Mr. Stephen Powles

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*SUBPOENA DUCES TECUM***

INTRODUCTION

1. The Prosecution files this response to the Defence request entitled “REQUEST FOR *SUBPOENA DUCES TECUM*” filed on behalf of Morris Kallon (the “**Accused**”) on 22 July 2003,¹ seeking the Trial Chambers to issue a subpoena duces tecum to Mr Eke Halloway, Attorney-General of Sierra Leone.

ARGUMENT

2. The Prosecution notes that this request is made pursuant to the Defence “Application for Extension of Time to file Reply to Prosecution Response to the First Defence Preliminary Motion (Lome Agreement)”, dated 30 July 2003 (the “**Application**”).
3. The said Application was dismissed in its entirety by the Trial Chambers on 16 July 2003 in its order entitled “Order on the Defence Application for Extension of Time to file Reply to Prosecution Response to the First Defence Preliminary Motion (Lome Agreement).”

¹ Registry Page 1094-1100.

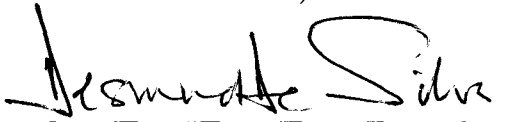
4. The Prosecution therefore submits that since the Trial Chamber has dismissed the said Defence motion for extension of time for the purpose of obtaining certain documentation, the request for a subpoena to obtain the selfsame documentation is inappropriate and should in consequence also be dismissed.

CONCLUSION

5. The Prosecution therefore urges the Court to dismiss this request.

Freetown, 23 July 2003.

For the Prosecution,

A handwritten signature in black ink, appearing to read "Desmond De Silva", written over a horizontal line.

Desmond De Silva Q.C.

Deputy Prosecutor