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SPECIAL COURT FOR SIERRA LEONE

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Before: Judge Bankole Thompson

Registry: Mr. Robin Vincent

Decision of: 16th May 2003

THE PROSECUTOR

Against

AUGUSTINE GBAO also known as AUGUSTINE BAO

CASE NO. SCSL-2003-09-I

**Order on the Urgent Request for Direction on the Time to Respond to and/ or an
Extension on Time for the Filing of a Response to the Prosecution Motions**

And

**The Suspension of any Ruling on the Issue of Protective Measures that may be
Pending before other Proceedings before the Special Court as a Result of Similar
Motions Filed to those that have been Filed by the Prosecution in this Case**

The Office of the Prosecutor:
Mrs. Brenda Hollis

The Counsel for the Accused:
Mr. Andreas G. O'Shea
Mr. Ben Olden

SPECIAL COURT FOR SIERRA LEONE
COURT RECORDS
RECEIVED
NAME. *BURRICE URELME*
SIGNATURE *[Signature]*
DATE. *16 MAY 2003* TIME *16:25*

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”);

HAVING RECEIVED the Urgent Request for Direction on the Time to Respond to and/or an Extension on Time for the Filing of a Response to the Prosecution Motions and the Suspension of any Ruling on the Issue of Protective Measures that may be Pending before other Proceedings before the Special Court as a Result of Similar Motions Filed to those that have been Filed by the Prosecution in this Case of the 12th May 2003 (“the Defence Request”);

NOTING the Prosecution’s Response to the Urgent Request for Direction on the Time to Respond to and/or an Extension on Time for the Filing of a Response to the Prosecution Motions and the Suspension of any Ruling on the Issue of Protective Measures that may be Pending before other Proceedings before the Special Court as a Result of Similar Motions Filed to those that have been Filed by the Prosecution in this Case of the 14th May 2003;

CONSIDERING that the Defence Request avers, *inter alia*, that the Counsel for the Accused has not been served with both the Urgent Prosecution Motion to allow Disclosure to the Registry and to Keep Disclosed Material under Seal until Appropriate Protective Measures are in Place of the 7th May 2003 and the Prosecution Motion for Immediate Protective Measures for Witnesses and Victims and for Non-Public Disclosure of the 7th May 2003 (“the Prosecution Motions”);

CONSIDERING FURTHER that the Defence Request seeks that the Accused be granted 14 days from the date of receipt of the Prosecution Motions for the filing of a response to such motions and, moreover, that no rulings on protective measures be made at this time in other proceedings before the Special Court;

NOTING, nevertheless, that the Proof of Service of the Court Management clearly indicates that the Team of the Counsel of the Accused has been served with the above mentioned Prosecution Motions through the Assistant of the Counsel for the Accused, Mr. Ben Holden, on the 7th May 2003;

NOTING that pursuant to Rule 7 of the Rules the time-limits for filing a response to the Prosecution Motions has expired;

CONSIDERING that the subject of the Prosecution Motions, and with particular reference to the protective measures for witnesses and victims, albeit of extreme importance, is a common and accepted procedure in international criminal law;

DUE to the materiality of this subject of the Motions to future trial proceedings, the Special Court pursuant to its authority under Rule 7 (A) of the Rules may order an extension of a time limit;

CAUTIONING that the Special Court will not allow any further delays in the future and

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that, in particular, an extension of a time limit remains exceptional;

CONSIDERING FURTHER that at this stage of the proceeding against the Accused a joinder with other cases before the Special Court is deemed to be purely hypothetical and without factual basis;

CONSIDERING that issues before the Special Court are conducted before professional judges, who by virtue of their education and experience are able to ponder independently without prejudice to each and every case which will be brought before them;

CONSIDERING that a request that no rulings on protective measures will be made on other proceedings would halt the continuance of the pre-trial stage for the other Accused and that the Trial Chamber has an obligation to all Accused to be tried within a reasonable time;

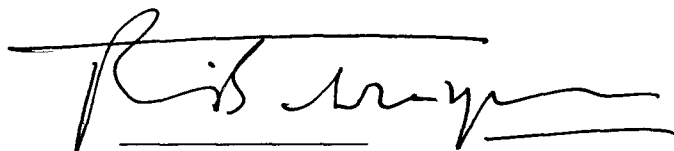
NOW HEREBY, pursuant to Rule 7 and 54 of the Rules,

REJECTS the request of the Counsel for the Accused to be granted a period of 14 days for filing a submission in response to the Motions;

ORDERS that the Counsel for the Accused be granted a period of 7 days from the moment of receipt of this Order for filing his submissions in response to the Motions;

REJECTS the request of the Counsel for the Accused that no rulings on the issue of protective measures be made in other proceedings before the Special Court until Counsel has been given the opportunity to be heard on this matter.

Done in Freetown, Sierra Leone this 16th day of May 2003



Judge Bankole Thompson
Delegated Judge

