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SCSL-2003-09-PT-017.  
(95-97.)

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

Before: Judge Bankole Thompson,  
Designated Judge

Registrar: Robin Vincent

Date filed: 7 May 2003

**THE PROSECUTOR**

**Against**

**AUGUSTINE GBAO**

**also known as (aka) AUGUSTINE BAO**

CASE NO. SCSL – 2003 – 09 – PT

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**URGENT**

**PROSECUTION MOTION TO ALLOW DISCLOSURE  
TO THE REGISTRY AND TO KEEP DISCLOSED MATERIAL UNDER  
SEAL UNTIL APPROPRIATE PROTECTIVE MEASURES ARE IN PLACE**

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Office of the Prosecutor:

Luc Côté, Chief of Prosecutions

Brenda J. Hollis, Senior Trial Counsel

Defence Counsel:

Professor Andreas Gordon O'Shea

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**THE PROSECUTOR**

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CASE NO. SCSL – 2003 – 09 – PT

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**PROSECUTION MOTION TO ALLOW  
DISCLOSURE TO THE REGISTRY AND TO KEEP DISCLOSED  
MATERIAL UNDER SEAL UNTIL APPROPRIATE PROTECTIVE  
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1. Consistent with Articles 16 and 17 of the Statute of the Special Court for Sierra Leone (the Statute) and pursuant to Rules 53, 54, 66, 69, 73 and 75 of the Special Court's Rules of Procedure and Evidence (Rules), the Prosecution respectfully submits a Motion to allow disclosure of the initial Rule 66(A)(i) materials to the Registry.
2. By motion, dated 7 May 2003, the Prosecution requested immediate protective measures for witnesses and victims and for non-public disclosure. That motion is incorporated by reference in this motion.
3. In the motion for immediate protective measures, the Prosecution has requested the Designated Judge or Trial Chamber to order immediate measures to protect the identity of witnesses and to protect confidentiality of all non-public materials disclosed to the Defence. Those measures include:
  - allowing the Prosecution to withhold identifying data of Prosecution's witnesses


or any other information which could lead to the identity of such a person to the Defence until twenty-one (21) days before the witness is to testify at trial;

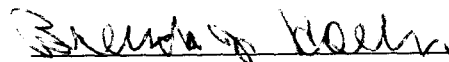
- prohibiting the Defence from sharing, discussing or revealing, directly or indirectly, any disclosed non-public materials of any sort, or any information contained in such documents, to any person or entity other than the Defence;
- ensuring that the Defence does not interview Prosecution witnesses without the consent of the Chamber and reasonable prior notice to the Prosecution.

4. The first appearance of the Accused was 25 April 2003. Accordingly, the initial Rule 66(A)(i) disclosure must be completed no later than 25 May 2003.
5. On information and belief, the Prosecution has determined it is necessary to take immediate measures to safeguard the security and privacy of witnesses and victims, Prosecution investigations, the integrity of the evidence and of these proceedings. In the event appropriate orders have not been issued by 25 May 2003, interim measures will be required to allow the Prosecution to meet its disclosure obligation as well as to meet its obligation to protect witnesses, victims, the integrity of Prosecution investigations and the integrity of these proceedings.
6. Therefore, absent appropriate protective measures, the Prosecution requests the Designated Judge to issue:
  - (a) an Order allowing the Prosecution to make its initial Rule 66(A)(i) disclosure to the Registry;
  - (b) an Order to the Registry to keep the disclosed material under seal until the Designated Judge or the Trial Chamber has issued orders for appropriate protective measures for witnesses, victims and non-public materials.

Freetown, 7 May 2003.

For the Prosecutor,

  
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Luc Côté  
Chief of Prosecutions

  
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Brenda J. Hollis  
Senior Trial Counsel