



SPECIAL COURT FOR SIERRA LEONE

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TRIAL CHAMBER I

Before:

Hon. Justice Benjamin Mutanga It SPECIAL COURT FOR SIERRA LEONE

Hon. Justice Bankole Thompson

Hon. Justice Pierre Boutet

Registrar:

Mr. Herman Von Hebel

Date:

13th March 2008

RECEIVED

PROSECUTOR

Against

ISSA HASSAN SESAY **MORRIS KALLON AUGUSTINE GBAO** (Case No. SCSL-04-15-T)

Public Document

ORAL RULING ON MOTION FOR ISSUANCE OF A SUBPOENA TO H.E. DR. AHMAD TEJAN KABBAH, FORMER PRESIDENT OF THE REPUBLIC OF SIERRA LEONE

Office of the Prosecutor:

Defence Counsel for Issa Hassan Sesay:

Peter Harrison Vincent Wagona Charles Hardaway Reginald Fynn

Wayne Jordash Sareta Ashraph

Defence Counsel for Morris Kallon:

Charles Taku Kennedy Ogeto Tanoc Mylvaganam Lansana Dumbuya

Court Appointed Counsel for Augustine Gbao:

John Cammegh Scott Martin

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TRIAL CHAMBER I ("Trial Chamber I") of the Special Court for Sierra Leone ("Special Court") composed of Hon. Justice Benjamin Mutanga Itoe, Presid ng Judge, Hon. Justice Bankole Thompson, and Hon. Justice Pierre Boutet;

SEIZED OF the "Sesay Application for Issuance of A Subpoena to Ahmed Tejan Kabbah", filed publicly by Counsel for the First Accused, Issa Hassan Sesay, ("Counsel for Sesay") on the 28th of February, 2008 ("Sesay Application"), whereby Counsel for Sesay requests The Chamber to issue a subpoena to H.E. Dr. Ahmad Tejan Kabbah, the Former President of the Republic of Sierra Leone to compel him to appear as a witness in the RUF trial on behalf of the First Accused and to meet with Counsel for Sesay to attend a pre-testimony interview;

NOTING the Defence Addendum to Sesay Defence Application for the Issuance of A Subpoena to Former President Ahmed Tejan Kabbah", filed publicly on the 29th of February, 2008 ("Addendum to Sesay Application");

NOTING the "Prosecution Response to Sesay Application for Issuance of A Subpoena to Former President Ahmed Tejan Kabbah", filed publicly on the 4th of March, 2008 ("Response to Sesay Application"), opposing the Sesay Application;

NOTING the Defence Reply to the Prosecution Response to Sesay Application for Issuance of A *Subpoena* to Former President Ahmad Tejan Kabbah', filed publicly on the 5th of March, 2008 ("Sesay Reply");

SATISFIED that the Application meets the required legal standard for the issuance of a subpoena as enunciated by the Appeals Chamber in its Decision on Interlocutory Appeals Against Trial Chamber Decision Refusing to Subpoena the President of Sierra Leone dated 11th September, 2006;

PURSUANT TO Rule 54 of the Rules,

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HEREBY GRANTS the Application by Counsel for the First Accused for the issuance of a subpoena to H.E. Alhaji Dr. Ahmad Tejan Kabbah, the former President of the Republic of Sierra Leone, for a pre-testimony interview and for testimony at this trial.

ORDERS that H.E. Alhaji Dr. Ahmad Tejan Kabbah shall testify, if called as a defence witness, on Thursday the 24th of April, 2008.

ORDERS the Registrar to

- (i) Cause a Copy of the said Subpoena to be served upon H.E. Alhaji Dr. Ahmad Tejan Kabbah;
- (ii) Transmit copies of this Order and the Subpoena to the responsible authorities of the Government of Sierra Leone;

INFORMS the Parties

(i) That a detailed Reasoned Decision will be published in due course.

Done at Freetown, Sierra Leone, this 13th day of March 2008.

Hon. Justice Pierre Boutet

Hon. Justice Benjamin Mutanga

Hon. Justice Bankole

Thompson

Itoe

Presiding Judge

Trial Chamber I

of the Special Court for Sterra Leonel