

763.)

SCSL-04-15-T  
(27691-27700)

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**SPECIAL COURT FOR SIERRA LEONE**

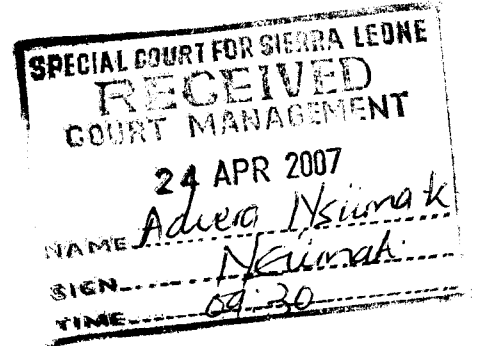
OFFICE OF THE PROSECUTOR

Freetown – Sierra Leone

Before: Hon. Justice Bankole Thompson, Presiding  
Hon. Justice Benjamin Itoe  
Hon. Justice Pierre Boutet

Acting Registrar: Mr. Herman Von Hebel

Date filed: 24 April, 2007



**THE PROSECUTOR**

**Against**

**Issa Hassan Sesay**

**Morris Kallon**

**Augustine Gbao**

Case No. SCSL-04-15-T

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**PUBLIC**

**PROSECUTION APPLICATION FOR LEAVE TO RESPOND TO THE SESAY DEFENCE REPLY TO PROSECUTION RESPONSE TO DEFENCE MOTION TO REQUEST THE TRIAL CHAMBER TO PERMIT INSPECTION OF WITNESS STATEMENTS (RULE 66(A)(iii)) AND/OR ORDER DISCLOSURE PURSUANT TO RULE 68**

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Office of the Prosecutor:  
Pete Harrison  
Vincent Wagona

Court Appointed Defence Counsel for Sesay  
Wayne Jordash  
Sareta Ashraph

Court Appointed Defence Counsel for Kallon  
Shekou Touray  
Charles Taku

Court Appointed Defence Counsel for Gbao  
Andreas O'Shea  
John Cammegh

**I. INTRODUCTION**

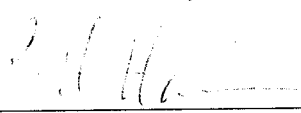
1. The Prosecution applies for leave to respond to errors of fact contained in paras. 4, and 8 to 11 of the “Defence Reply to Prosecution Response to Defence Motion to Request the Trial Chamber to Permit Inspection of Witness Statements (Rule 66(A)(iii)) and/or Order Disclosure Pursuant to Rule 68” (“Reply”).<sup>1</sup>
2. The Reply asserts at para. 4 that the Prosecution failed to disclose statements of DIS-258 pursuant to Rule 68. At para. 8 the Reply refers to a statement dated 16 May 2000, and at paragraph 9 refers to another statement dated 16 December 2006. Those two statements were disclosed to the Defence.
3. Attached as Annex A is a copy of the Receipt signed by the Sesay Defence acknowledging that the 16 May 2000 statement was disclosed to them.<sup>2</sup> Attached as Annex B is a copy of the Receipt signed by the Sesay Defence acknowledging that the 16 December 2006 statement was disclosed to them.<sup>3</sup>
4. See Confidential Annex C.

**II. CONCLUSION**

5. The Prosecution applies for leave to file a further response to the Reply in order to correct factual errors in the Reply, and in the event that leave is granted, that the Trial Chamber accept this document as the filing.

Filed in Freetown, 24 April 2007

For the Prosecution,



Pete Harrison

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<sup>1</sup> *Prosecutor v. Sesay et al*, SCSL-04-15-T-761, “Defence Reply to Prosecution Response to Defence Motion to Request the Trial Chamber to permit Inspection of Witness Statements (Rule 66(A)(iii)) and/or Order disclosure Pursuant to Rule 68,” 23 April 2007.

<sup>2</sup> Annex A is a copy of a receipt prepared by the Prosecution which the Prosecution expects the Defence to sign upon disclosure of documents. In Annex A the witness in question is referred to as TF1-319 and the entry is at #78 in the far left column on page 2. The document was disclosed redacted and was 11 pages in length. This was the typed version of the statement, the hand-written version is longer. Annex A confirms that another statement of the witness dated 10 October 2003 was also disclosed and received by the Defence.

<sup>3</sup> Annex B is another receipt prepared by the Prosecution. In Annex B the witness in question is referred to as TF1-319 and the entry is the 3<sup>rd</sup> entry up from the bottom of the chart.

**List of Authorities**

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*Prosecutor v. Sesay et al*, SCSL-04-15-T-761, “Defence Reply to Prosecution Response to Defence Motion to Request the Trial Chamber to permit Inspection of Witness Statements (Rule 66(A)(iii) and/or Order disclosure Pursuant to Rule 68,” 23 April 2007.

*Prosecutor v. Sesay et al*, SCSL-04-15-T-180, “Decision on Prosecution Motion for Modification of Protective Measures for Witnesses,” 5 July 2004, p. 16.





**SPECIAL COURT FOR SIERRA LEONE  
OFFICE OF THE PROSECUTOR**

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**PROSECUTOR Against ISSA SESAY**

**SUPPLEMENTARY DISCLOSURE RECEIPT**

Pursuant to the Prosecution's disclosure obligations, redacted statements, summaries of expected testimonies from witnesses bearing the following pseudonyms and interview transcripts of the accused were submitted to Ms Sareta Ashraph, Legal Assistant on the Sesay Defence Team, on March 17, 2004.

No.	Witness Pseudonym	Date of Interview/Summary or Confirmation Interview Notes (CIN)	No. of Pages
1.	TF1-003	30 November 2003 (CIN)	1 ✓
2.	TF1-009	30 November 2003 (CIN)	1 ✓
3.	TF1-010	30 November 2003 (CIN)	1 ✓
4.	TF1-017	16 November 2002	10 ✓
5.	TF1-017	28 January 2004 (CIN)	1 ✓
6.	TF1-026	19 January 2004 (CIN)	1 ✓
7.	TF1-027	19 February 2003	5 ✓
8.	TF1-029	24 November 2003 (CIN)	2 ✓
9.	TF1-033	11 April 2003 (Summary)	1 ✓
10.	TF1-035	16 January 2004 (CIN)	2 ✓
11.	TF1-037	14 January 2004 (CIN)	1 ✓
12.	TF1-039	14 January 2004(CIN)	1 ✓
13.	TF1-085	21 November 2003 (CIN)	2 ✓
14.	TF1-093	7 January 2004 (CIN)	1 ✓
15.	TF1-122	13 January 2004 (CIN)	1 ✓
16.	TF1-123	16 January 2004 (CIN)	2 ✓
17.	TF1-124	13 January 2003 (CIN)	1 ✓
18.	TF1-127	13 January 2004 (CIN)	1 ✓
19.	TF1-164	28 February 2003	3 ✓
20.	TF1-165	28 February 2003	3 ✓
21.	TF1-166	22 May 2003 (Summary)	1 ✓
22.	TF1-169	22 January 2004 (CIN)	2 ✓
23.	TF1-265	18 November 2003 (CIN)	2 ✓
24.	TF1-272	1-2 November 2003	7 ✓
25.	TF1-272	17 January 2004 (CIN)	2 ✓
26.	TF1-273	18 November 2003	175 ✓
27.	TF1-274	21 January 2004 (Summary)	2 ✓
28.	TF1-275	22 January 2004 (Summary)	1 ✓

29.	TF1-276	23 January 2004 (Summary)	2	✓
30.	TF1-276	No Date	3	✓
31.	TF1-277	4 September 2003	4	✓
32.	TF1-278	10 March 2003	5	✓
33.	TF1-279	No date	4	✓
34.	TF1-279	26 November 2003 (CIN)	1	✓
35.	TF1-280	4 March 2003	5	✓
36.	TF1-281	No date	3	✓
37.	TF1-282	16 September 2003	3	✓
38.	TF1-283	18 June 2003	3	✓
39.	TF1-283	12 July 2003	4	✓
40.	TF1-284	18 September 2003	2	✓
41.	TF1-285	17 November 2003	4	✓
42.	TF1-286	27 June 2003	4	✓
43.	TF1-287	8 July 2003	4	✓
44.	TF1-288	27 July 2003	3	✓
45.	TF1-289	20 January 2003	1	✓
46.	TF1-290	20 January 2003	1	✓
47.	TF1-291	20 January 2003	1	✓
48.	TF1-292	20 January 2003	1	✓
49.	TF1-293	20 January 2003	1	✓
50.	TF1-294	16 January 2003	4	✓
51.	TF1-295	3 February 2003	2	✓
52.	TF1-296	8 April 2003	3	✓
53.	TF1-297	1 February 2003	2	✓
54.	TF1-298	4 February 2003	2	✓
55.	TF1-299	18 October 2002	5	✓
56.	TF1-300	No Date	3	✓
57.	TF1-300	11 November 2003	2	✓
58.	TF1-301	18 March 2003	5	✓
59.	TF1-302	No Date	4	✓
60.	TF1-303	15 November 2002	3	✓
61.	TF1-304	16 November 2002	3	✓
62.	TF1-304	27 January 2004 (CIN)		✓
63.	TF1-305	11 December 2003	2	✓
64.	TF1-306	2 December 2002	5	✓
65.	TF1-307	5 November 2002	3	✓
66.	TF1-308	5 November 2002	3	✓
67.	TF1-309	1 February 2003	2	✓
68.	TF1-310	13 December 2002	2	✓
69.	TF1-311	11 December 2002	4	✓
70.	TF1-312	11 December 2002	3	✓
71.	TF1-313	3 October 2003	6	✓
72.	TF1-314	29 October 2003	4	✓
73.	TF1-315	9 October 2003	3	✓
74.	TF1-316	29 November 2003	3	✓
75.	TF1-317	1 February 2003	4	✓
76.	TF1-318	30 January 2003	4	✓
77.	TF1-318	16 November 2002	5	✓
78.	TF1-319	Redacted	11	✓
79.	TF1-319	10 October 2003	3	✓

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80.	TF1-320	29 October 2003	3	✓
81.	TF1-321	No Date	2	✓
82.	TF1-322	Not Assigned		✓
83.	TF1-323	No Date	16	✓
84.	TF1-323	24 November 2003	3	✓
85.	TF1-324	7 November 2002	3	✓
86.	TF1-325	30 January 2004 (Summary)	3	✓
87.	TF1-326	30 January 2004 (Summary)	1	✓
88.	TF1-327	29 March 2003	3	✓
89.	TF1-328	29 November 2002	4	✓
90.	TF1-329	25 March 2003	6	✓
91.	TF1-330	27 March 2003	10	✓
92.	TF1-331	4 March 2003	3	✓
93.	TF1-332	1 February 2003	3	✓
94.	TF1-332	19 January 2003 (CIN)	1	✓
95.	TF1-333	25 November 2002	2	✓
96.		Sesay Transcript 11/03/03	91-109	✓
97.		Sesay Transcript 17/03/03 (to be forwarded later)	16-139	✓
98.		Sesay Transcript 31/03/03	1-79	✓

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I, S. ASHMAN, acknowledge receipt of the items listed above.

Signature A Ashman

Date 12/3/04

**Annex B**

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SPECIAL COURT FOR SIERRA LEONE

OFFICE OF THE PROSECUTOR

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PROSECUTOR Against ISSA HASSAN SESAY

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CASE NO. SCSL-2004-15-T

RECEIPT

Pursuant to the Prosecution's disclosure obligation under Rule 68, the following material was submitted to Counsel for the 1<sup>st</sup> Accused, Mr. Wayne Jordash on the 23<sup>rd</sup> March 2007.

Witness / Document	Pseudonym	Statement Date / Description	Length / Medium
	TF1-564	17.07.06 & 17.01.07	1 T/P
	TF1-349	18.10.06	8 T/P
	TF1-376	12.11.06	4 T/P
	TF1-376	03.12.06	7 T/P
	TF1-517	02.12.06	7 T/P
	TF1-555	17.12.07	1 T/P
	TF1-275	14,15.2.07	10 T/P
	TF1-275	01.02.07	2 T/P
	TF1-319	16,18.12.06	11 T/P
	TF1-374	20.11.06	6 T/P
	TF1-548	9,10.2.07	1 T/P

I, Jamie Lilw, acknowledge receipt of the items listed above.

Signature

*Jamie Lilw*

Date

March 23/07.



**SPECIAL COURT FOR SIERRA LEONE**  
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Court Management Section – Court Records

**CONFIDENTIAL DOCUMENT CERTIFICATE**

This certificate replaces the following confidential document which has been filed in the *Confidential* Case File.

Case Name: The Prosecutor – v- Sesay, Kallon & Gbao  
Case Number: SCSL-2004-15-T  
Document Index Number: 763  
Document Date 24 April 2007  
Filing Date: 24 April 2007  
Number of Pages: 10 Page Numbers: 27691-27700  
Document Type:-**Confidential Annex ‘C’**

- Affidavit
- Indictment
- Correspondence
- Order
- Application**

Document Title: **Prosecution Application for Leave to Respond to the Sesay Defence Reply to Prosecution Response to Defence Motion to Request the Trial Chamber to Permit Inspection of Witness Statements (Rule 66 (A) (iii)) and/or Order Disclosure Pursuant to Rule 68**

Name of Officer:

Advera Nsiima K.

Signed *Nsiima*