

987.

SCSL-04-15-T
(24195-24197)

24195



SPECIAL COURT FOR SIERRA LEONE

JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE

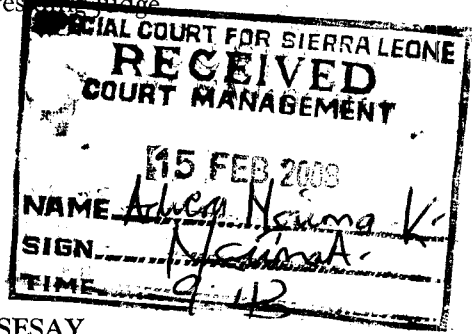
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TRIAL CHAMBER I

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

Registrar: Herman von Hebel

Date: 15th February 2008



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

Public Document

**DECISION ON DEFENCE MOTION FOR ADMISSION
OF WRITTEN EVIDENCE PURSUANT TO RULE 92 *ter***

Office of the Prosecutor:
Peter Harrison
Reginald Fynn
Vincent Wagona

Defence Counsel for Issa Hassan Sesay:
Wayne Jordish
Sareta Ashraph

Defence Counsel for Morris Kallon:
Charles Taku
Kennedy Ogeto
Lansana Dumbuya

Court Appointed Counsel for Augustine Gbao:
John Cammough
Scott Martin

TRIAL CHAMBER I of the Special Court for Sierra Leone composed of Hon. Justice Benjamin Mutanga Itoe, Presiding Judge, Hon. Justice Bankole Thompson, and Hon. Justice Pierre Boutet;

SEIZED of the Defence Motion for Admission of Written Evidence Pursuant to Rule 92^{ter} filed by Counsel for the First Accused, Issa Hassan Sesay ("Defence") on the 8th of February 2008 ("Motion") in which the Defence moves for the admission of the evidence of witness DIS-015 ("Witness") in the form of a written statement;

HAVING RECEIVED the Response to the Motion filed by the Office of the Prosecutor ("Prosecution") on the 13th of February 2008 and the Corrigendum thereto filed on the 14th of February 2008;

HAVING RECEIVED the Responses to the Motion filed on behalf of the Second Accused, Morris Kallon, and the Third Accused, Augustine Gbao, on the 14th of February 2008;

RECALLING the provisions of Article 17 of the Statute of the Special Court for Sierra Leone ("Statute") and Rules 89 and 92^{ter} of the Rules of Procedure and Evidence ("Rules");

RECALLING that Rule 92^{ter} was adopted on the 24th of November 2006 and that this Chamber has never before had occasion to make an order relating to the admission of evidence under this provision;

RECALLING that in its Decision on Prosecution Motion for Admission of Part of the Prior Evidence of TF1-362 and TF1-371 Pursuant to Rule 92^{ter} rendered in the case of *Prosecutor v. Taylor* on the 25th of January 2008, Trial Chamber II held that the agreement of the Parties is a condition precedent to admission of evidence under Rule 92^{ter} of the Rules;

CONSIDERING that the Prosecution and the Defence Teams for the Second and Third Accused agree to the admission of the Witness' evidence in the form of a written statement and that the Prosecution declares its intention to cross-examine the Witness in Court;

PURSUANT to Rules 89 and 92^{ter} of the Rules;

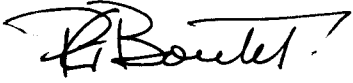
HEREBY GRANTS the Motion; and

ORDERS that the written statement of DIS-015 be admitted into evidence subject to the Witness

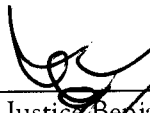
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1. appearing in court;
2. being available for cross-examination by the Prosecution and questioning by the Judges; and
3. attesting that the written statement accurately reflects his declaration and what he would say if examined.

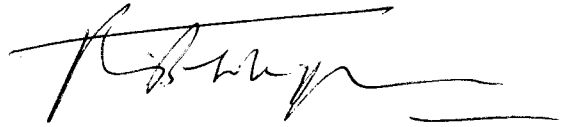
Done at Freetown, Sierra Leone, this 15th day of February 2008.



Hon. Justice Pierre Boutet



Hon. Justice Benjamin Mutanga Itoe
Presiding Judge
Trial Chamber I



Hon. Justice Bankole Thompson

