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SCSL - 2004 - 14 - T
(9641 - 9642)



SPECIAL COURT FOR SIERRA LEONE

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THE TRIAL CHAMBER

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

Registrar: Robin Vincent

Date: 1st October, 2004

PROSECUTOR	Against	SAM HINGA NORMAN MOININA FOFANA ALLIEU KONDEWA (Case No.SCSL-04-14-T)
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**RULING ON THE DEFENCE REQUEST FOR DISCLOSURE OF THE IDENTITY OF A
POSSIBLE PROSECUTION EXPERT WITNESS**

Office of the Prosecutor:

Luc Côté
James Johnson

Court-Appointed Counsel for Sam Hinga

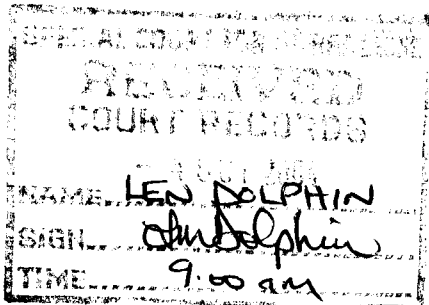
Norman:
 Dr Bu-Buakei Jabbi
 John Wesley Hall, Jr.
 Tim Owen, Q.C.
 Quincy Whitaker

Court-Appointed Counsel for Moinina

Fofana:
 Michiel Pestman
 Arrow Bockarie
 Victor Koppe

Defence Counsel for Allieu Kondewa:

Charles Margai
 Yadda Williams
 Ansau Lansana



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

SEIZED of the oral request by the Principal Defender on behalf of all three Accused raised on the 17th of September, 2004 for an order to the Prosecution to disclose the identity of the third expert witness ("Motion");

CONSIDERING the submissions of the Principal Defender, namely 1.) that there are budgetary concerns for the Defence Counsel who share the money allocated for expert witnesses; 2.) that the identity of the Prosecution witness is necessary in order to plan their budget; and 3.) that the non-disclosure of the possible expert witness' name at this stage does not correspond to the principle of equality of arms;

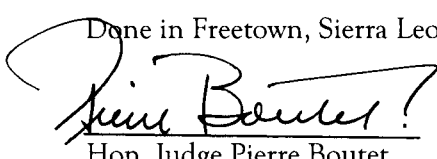
CONSIDERING the Prosecution's Response to these submissions on the 17th of September, 2004, namely 1.) that before disclosing the name of this witness the approval of the former employer is needed; 2.) that formal procedures have been undertaken to assure his approval and that it is anticipated that permission of the former employer will be granted within the next few weeks; 3.) that the report from this expert has not been obtained and that before receiving and examining this report the Prosecution cannot be sure that it will call this expert witness;

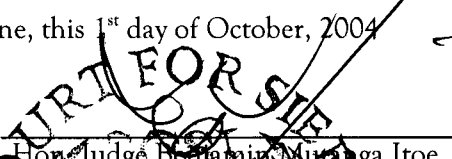
CONSIDERING that there is no guarantee at this time that the Prosecution will call the expert witness, and, therefore, a disclosure of the identity of the witness is of no assistance for the budgetary planning of the Principal Defender;

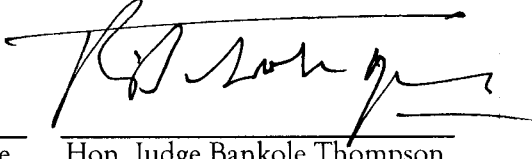
CONSIDERING that regarding this possible expert witness the Prosecution is in no breach of any statutory provision at this stage;

HEREBY DISMISSES the Motion.

Done in Freetown, Sierra Leone, this 1st day of October, 2004


Hon. Judge Pierre Boutet


Hon. Judge Benjamin Mutanga Itoe
Presiding Judge
Trial Chamber


Hon. Judge Bankole Thompson

